Senate

The Senate was not in session today. Its next meeting will be held on Wednesday, January 6, 1999, at 12 noon.

House of Representatives

FridaY, December 18, 1998

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

(Continued)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LahoD). The Chair reminds all persons in the gallery that they are here as guests of the House. Any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. Mascara).

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

Mr. Mascara. Mr. Speaker, I come to the well today to express my disappointment at the impeachment proceedings that are taking place on the House floor today. I am deeply disappointed and disillusioned. As debate continues tonight, I would like to ironically quote President Nixon who said "The nations needs a sense of history more than a sense of historonics. As I listened to the clerk reading the articles of impeachment this morning, I was both saddened and ashamed to be a part of these proceedings. It was an emotional time for me to participate in a dark period of our history—impeaching the President of the United States.

I have consistently defended the integrity of public service generally and service in this House, specifically saying that in spite of the cynicism and the low regard, oftentimes, and hatred for elective office, I am proud and honored to be a Member of the United States House of Representatives. Regrettably, those feelings have been somewhat diminished and tainted as a result of these unfair proceedings.

While the President's behavior was reprehensible, most constitutional scholars believe these charges do not rise to a level of impeachment. I oppose the House Resolution 611.

Mr. Speaker, I seldom come to the House floor to speak unless I have something important to say. And I have never made disparaging remarks about any Member of this House—Republican or Democrat.

I come to the well today to express my disappointment at the impeachment proceedings that are taking place on the House floor today. I am deeply disappointed and disillusioned. As the debate continues tonight I would like to quote President Nixon who said "The nations needs a sense of history more than a sense of historonics. As I listened to the clerk reading the articles of impeachment this morning, I was both saddened and ashamed to be a part of these proceedings. It was an emotional time for me to participate in a dark period of our history—impeaching the President of the United States.

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While the President's behavior was reprehensible, most constitutional scholars, believe the charges here today do not rise to the level of impeachable offenses.

We have been asked to vote our conscience, yet the majority is denying Members, both Democrats and Republicans, the right to vote their conscience in favor of censure. That is patently unfair. A majority of the American people are being denied an opportunity for their voice to be heard on an issue overturning their electoral will. This is deeply dividing our Nation. Polarizing our citizens.

I ask our Republican friends to be fair! To do the right thing! Permit a vote on censure. I oppose House Resolution 611.

Mr. McCollum. Mr. Speaker, I yield myself 40 seconds.

I just want to respond to the charges of the coup d'etat again and what the gentleman from New York (Mr. Nadler) said a while ago, that all the scholars we had before our committee said that these were nonimpeachable offenses, that prosecutors would not indict, that this would overthrow an election.

The fact is, there is a wide division over the impeachment question. We had just as many scholars who said these are impeachable.

I happen to believe deeply perjury is equally grave or more grave than bribery and we in fact punish it more severely. As far as prosecutors, there are a lot of prosecutors who indict. We had one panel of the President's witnesses saying that.

We are not about to overthrow an election. We are simply about to send a matter to a trial in the Senate who might choose to do that if they find the President guilty of perjury and obstruction of justice.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
I hope that the House of Representatives here tonight will vote to uphold the rule of law and to say that whenever our conduct, any of us, or any President's conduct contravenes the Constitution of the United States, that the people's House will rise up and say, no matter who you are, the Constitution must hold sway there rather than last night's overnight poll or any temporary affection that the people may hold for any particular officeholders.

That is my hope. That is why I hope we pass articles of impeachment here tomorrow.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I thank my colleague for yielding me the time.

I was not planning to speak on this matter until tomorrow, but I heard repeated references to my old friend, Speaker O'Neill. And I feel compelled to respond.

Some Members have mentioned the impeachment of President Nixon and said that former Speaker O'Neill refused to consider a resolution censuring him. Mr. Speaker, I was here back in 1974, when Richard Nixon was being considered for impeachment. Thomas O'Neill was not the speaker. Carl Albert was.

Furthermore, Mr. Speaker, no resolution to impeach Nixon ever came to the House. President Nixon resigned before that happened.

Robert Healy, the noted Boston Globe writer, in an excellent op-ed piece which ran in the Boston Globe yesterday, compares the possible impeachments of President Nixon and President Reagan and the country's responses to them.

His piece quotes a book by Robert Timberg which says, "There were similarities between Watergate and Iran-Contra: abuse of authority, bunker mentality, cover-up, oval office tapes, National Security Council messages, televised hearings, world class stupidity."

But there was a difference. Tip O'Neill knew it. We all knew it. Mr. Speaker, Speaker O'Neill knew the weight of impeachment. With Nixon, Healy says, "a great majority of Americans had accepted the notion that Nixon had to go. They believed he had committed high crimes because he had used agencies such as the CIA and the IRS against the citizenry."

Some 12 years later, in the White House, Speaker O'Neill and President Ronald Reagan were alone in a meeting. Impeachment was in the air in Washington. The Iran-Contra story had broken with charges of arms sold to Iran. The profit directed to the Contra movement in Nicaragua. Healy says, and I quote, O'Neill cared only about two things that day with regard to the Reagan presidency. First, the Nation had been through a presidential trauma for 2 years with Nixon and it was not going to happen again.

On a hot, still night in August 1974, young and old walked around the White House, carrying flickering candles. Two uniformed guards stood watch outside the gates on Pennsylvania Avenue. There were no tanks, no show of guns.

Earlier that day, in a one-sentence letter to Secretary of State Henry Kissinger, Richard Nixon had resigned, the first president to do so. He would officially announce it the next day. Copies of the letter had been sent to Speaker Thomas O'Neill and Senate Majority Leader Mike Mansfield.

Inside the White House, Chief of Staff Alexander Haig was trying to hold things together. Nixon's behavior was irrational: bouts of paranoia and drinking in the morning. Haig recalled later at a background dinner that he and Secretary of Defense James Schlesinger had talked to the commanding officer of the presidential Army troops stationed at Fort McNair, a short distance from the White House on the Potomac, and ordered him not to respond to any last-minute directions from the president.

It was over. The candle bearers outside the White House, some of whom had opposed Nixon at Vietnam demonstrations and had been smoked with tear gas, knew it was over. Republicans and Democrats in Congress who had prepared to vote for impeachment knew it was over. Kissinger, Haig, and Schlesinger knew it was over. After months of the Watergate storm, a sense of inevitability took hold.

It did not mean everyone in the world understood what was going on. At a Georgia Air Force base, Prince Bandar bin Sultan, later to be ambassador to the United States from Saudi Arabia, was training to fly jets and had been alerted by his government that the president would resign. He said he could not sleep that night because he thought at some time planes would be taking off from the base in support of a coup to retain the presidency.

It didn't happen because the people in America, a great majority at least, had accepted the notion that Nixon had to go. The case had been made that he had committed "high crimes" by using agencies such as the CIA and the IRS to war against the citizenry.

The scene shifts to the White House 12 years later. It is late 1986. Speaker O'Neill and President Ronald Reagan are alone in a meeting. Impeachment is in the air in Washington. The Iran-Contra story had broken: arms sold to Iran, the profits diverted to the Contra movement in Nicaragua.

O'Neill cared about only two things that day with regard to the Reagan presidency. First, the nation had been through a presidential trauma for 2 years with Nixon and it was not going to happen again.
it was not going to happen again. And, sec-
dond, O'Neill believed strongly in the propo-
sition put forth by James Madison in the 1787
debates at the convention that framed the
Constitution. The Founding Fathers were king in Am-
ERICA. Therefore, one should be extraordinarily
circumspect about turning out a president
who had been twice elected by an over-
whelming majority.

O'Neill's reasoning was a totally political
decision, as Madison and the other framers
intended. In fact, in Madison's notes on the
Constitutional Convention, Governor Robert
Morris, the host Pennsylvania governor, ar-
gued that should a president be reelected
while under impeachment fire, "that will be a
sufficiency of innocence."

Robert Timberg's book, "The Nightingale's
Song," an exquisite profile of five Annapolis
men shaped by Vietnam, including three
Iran-Contra principals (North, Poindexter,
and Robert McFarlane), draws a portrait of a
cease in Reagan's National Security Council
led and carried out by these three
freebooters.

It seemed, Timberg wrote, to be "some-
thing out of 'Seven Days in May,' a right-
wing military cabal trying to take over
the government. They want to put what
military all left behind when, in reality, it was even more
complex than that. "There were similarities
between Watergate and Iran-Contra. Abuse of au-
tomation and mentality. Oval.

Oval office tapes/National Security Council
messages. Televised hearings. World class
stupidity." Nixon, he noted, was smart and
paranoid. "Reagan, not nearly so smart, was
stupidity." Nixon, he noted, was smart and
manipulative and immoral.''

"There is no walk of life in the United
States of America where this behavior
would be accepted. A college professor
having consensual sex with one of his
students? Guilt of an office affair with an intern
would be fired. A physician, a coun-
selor, a pastor would lose their right to
practice. A military officer would be
dishonorably discharged."

Finally, there is one last thing that
needs to be brought out here. For all of
those that say that this is partisan pol-
itics and partisan bickering, I would
like to read some quotes directly out of
the draft Democrat resolution for
censure. For example, "William
Jefferson Clinton made false
statements concerning his reprehen-
sible conduct with a subordinate," and
continues to say, "William Jefferson
Clinton wrongly took steps to delay
the discovery of the truth." It was read
by my colleague from Wisconsin and I
heard it on the radio and verified in
writing afterwards. These are Presi-
dent Clinton's defenders.

I have listened carefully to this de-
bate today. I have used both the
other side, not the Republicans, by the
people defending him that quote, "rep-
rehensible, deplorable, liar, misleading,
manipulative, and immoral.''

"I sincerely hope that my vote sends a
strong message to every young person
in America that extramarital affair,
coupled with perjury, is not acceptable
behavior in this great Nation.

Mr. McCOLLUM. Mr. Speaker, I yield
5 minutes to the gentleman from Ar-
kansas (Mr. Dickey).

Mr. Dickey. Mr. Speaker, I rep-
resent the Fourth District of Arkansas,
the district that includes Hope and Hot
Springs, the birthplace and the boy-
hood home of President Bill Clinton.

When I first decided that I would not
declare my intentions on the question
of impeachment, it was mainly for the
reason that I wanted to make sure of
the charges and I wanted to encourage
my constituents to assist me in this
decision. The words a substantial
majority of the people who have made
contact with me are in favor of im-
peachment or resignation, almost all
have a heavy heart.

"Why is this? Because so many people
in my district have their own self-es-
tee mixed in with the well-being
of their friend, Bill Clinton. So while
they have reason to be embarrassed,
disappointed and even disgusted, they
are in large part in denial.

"Abraham Lincoln has a story that il-
lustrates this dilemma. There was a
farmer who had a tree by his house. It
was a majestic looking tree and appar-
ently perfect in every part, tall,
straight and immense in size, the grand
old sentinel of his forest home. One
morning, while at work in his garden,
he saw a squirrel run up the tree into
a hole and thought the tree might be
hollow. He proceeded to examine it
cautiously. And much to his surprise,
he found that the stately tree he had
valued for its beauty and grandeur to
be the pride and protection of his little
farmhouse was hollow from top to
top. Only a rim of sound wood re-
maincd, barely sufficient to support its
weight."

"What was he to do? If he cut it down,
it would do great damage with its great
length and its spreading branches. If he
let it remain, his family was in con-
danger. In a storm it might fall
or the wind might blow the tree
against his house and crush his house
and his children. What should he do? As
he turned away he said sadly, "I
wish I had never seen that squirrel."

"Reasons for me to vote against im-
peachment are legion. But the most
important is that Bill Clinton has
not taken steps to delay the
truth."

"What is the most significant is that
Arkansans have suffered enough and our
young people need for me, one more time,
to stand up for the reputation of our
State, to say to the rest of the world
through our leaders in Congress
that this is not good for the hard
working people in Arkansas and
our State does not like what has had to
be revealed by the harsh application of
the mandates of the independent coun-
sel statute.

"We must not let President Clinton
hinder us as a nation in maintaining
the standards of conduct that we
expect from our President. If he
has confessed to and those he has not
confessed to make us ashamed of
our law. Though I have done this before
and leadership, but we have to say
sadly "no" to what he wants us to do
in this regard.

The law is king. The king is not
the law. Though I have done this before
and in my own way the good folks of
Arkansas have directed me to forgive
President Clinton for the mistakes he
has confessed to and those he has not
admitted yet, I have shown him this in-
dividually and now do this as a Rep-
resentative of my constituents.

I stand here today much like the
schoolboy who wrote to the fabled
and beloved Shoeless Joe Jackson of the
Chicago White Sox of old. He wrote
when he found out that Shoeless Joe
was taking money to lose the 1919
World Series, saying, "Say it ain't so, Joe."

That young man was not bitter, was
not drawing judgment. He just saw
something he desperately did not want
to believe. And he cared so much for Joe that, as a last act of his hope, love and devotion, he wanted Joe to tell him.

That, my colleagues, is the heart as I best can describe to you of the proud and wonderful people of the Fourth District of Arkansas.

Some people have directed me to a slogan that has the initials WWJD. I have applied what this acronym says, but I use the initials WWALD. What would Abraham Lincoln do? Here is one of his quotations. “Never add the weight of your character to a charge against a person without having it to be true.”

Having tried repeatedly to find a way to talk my conscience into a different conclusion, I have decided to vote for at least two articles of impeachment, Article I and Article III, keeping in mind that this is a referral to the Senate for the finding of guilt or innocence.

What I want my colleagues to know is that my heart is heavy but my conscience is clear.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSSEN).

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

Mr. BENTSSEN. Mr. Speaker, in the spirit of Hamilton, Madison and Mason, I rise in opposition to all four articles of impeachment.

Mr. Speaker, I rise in opposition to the four articles of impeachment against President William Jefferson Clinton.

At the outset, Mr. Speaker, I strenuously object to this debate on impeaching the President of the United States while our nation and our Allies, are engaged in a military confrontation. To do so brings dishonor upon this House.

We are here because President Clinton had a consensual, extramarital affair and allegedly lied about it in a civil deposition and to a Federal Grand Jury. After 10 months of investigation, the independent counsel recommended to the House Judiciary Committee that the President’s alleged legal infractions involving his truthfulness about this affair rise to the level of impeachable offenses. The Committee revised the Independent Counsel’s recommendations and sent four articles of impeachment to the floor.

Now the full House of Representatives must weigh the evidence and decide this fateful issue of whether to impeach the President. The issues, to me, come down to these questions: Do the President’s actions, while clearly wrong and deserving of rebuke, amount to the high crimes and misdemeanors required by the Constitution for impeachment? Do these actions warrant putting the country through the wrenching process of an impeachment trial in the Senate—a trial that could take months and paralyze the legislative process to the detriment of the other issues before us?

We must ask ourselves whether we are willing to overturn the 1996 elections. We must ask ourselves if the precedent set by such impeachment strengthens or weakens our system of government.

To reach the right decision today, I believe we must step back from the partisanship of the moment and place impeachment in the context of our system of government, as established in the Constitution. Our Founding Fathers could have established a Parliamentary system with the election of the nation’s leader by the Majority Party in the national legislature. They did not. They established a system where power is vested into a President; then that system evolved into one where the people directly elected the President.

Vacating the vote of the people strikes at the core of our republic and must not be taken lightly. While not determinative, we cannot ignore the fact that two-thirds of the American people do not want the President impeached, but nearly the same number would support some form of public rebuked, which unfortunately, we will not consider today.

This issue is too complex to be partisan. Congress has to decide not only what the majority wants, but what is in the best interest of the country and what is required by the Constitution. Congress should not succumb to the herd mentality of a fervent minority in Congress.

The issues, to me, come down to these questions: Do the President’s actions, while clearly wrong, reckless, and reprehensible, amount to the high crimes and misdemeanors required by the Constitution? Congress should not succumb to the herd mentality of a fervent minority in Congress.

Based upon Rep. Hyde’s defense of the Reagan Administration’s alleged lying to Congress and subversion of Federal law, what basis do we have for the rule of law? If a President disagrees with a certain law over legitimate policy reasons chooses to willfully ignore it or violate it?

Let me be clear, I don’t like what President Clinton did. It was wrong, reckless, and reprehensible. I am offended by the original act. I am angered that he chose not to fess up once he had been caught, and I am outraged that we spent millions on an investigation to chase around and find out if it were true, especially after the American people had already figured it out.

I am also appalled that prosecutors in the Independent Counsel’s office would actually spend public time and money questioning whether the United States might seek to indict or privilege information to pass the Gulf of Tonkin Resolution to expand U.S. involvement in Vietnam? Is it more so a high crime that illegally bombing Cambodia or using the CIA to subvert an FBI investigation? Is it more so a high crime and misdemeanor than President Ronald Reagan and his aides illegally violating the balanced amendment, the law banning aid to the Nicaraguan Contras through arm sales to Iran? Is lying to Congress, hiding the truth from the American people, and destroying evidence undermining the rule of law more than perjury in any instance?

Chairman Hyde, in 1987, said of the Iran-Contra scandal, “It just seems too simplistic to condemn all lying” in the real world of geo-politics. He further quoted Thomas Jefferson as stating “strictly speaking, the written law is neither one of the highest duties of a good citizen but it is not the highest.”

Based upon Rep. Hyde’s defense of the Reagan Administration’s alleged lying to Congress and subversion of Federal law, what basis do we have for the rule of law if a President who disagrees with a certain law over legitimate policy reasons chooses to willfully ignore it or violate it?

And, of course, as we all tell our children, just as our parent told us, in the end you are a lot better off if you tell the truth. But, ultimately, we must ask whether taking the first step to remove a duly elected President to protect our political system because of a potential legal infraction of perjury in a civil case that has since been dismissed, while the world considers whether Augusto Pinochet, the former Chilean dictator, can be extradited for alleged crimes against humanity, involving scores of deaths, including of an American on U.S. soil.

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the members to make up their own minds? Presenting the Congress with a vote on impeachment only is like saying to a jury, you can vote for either the death penalty or acquittal. To say that impeachment is “censure plus” is a mistake. We don’t know that the Senate will convict. We should not shy our shoulders and hedge our bets that way. To do so is fool hardy and irresponsible. Not only does that view lower the bar for what may be impeachable offenses, but it cheapens impeachment as well. In short, it makes folly out of the Constitution and undermines the very rule of law that we are all espousing that we uphold.

The worst of Alexander Hamilton’s premonitions is coming true. In Federalist #65, he wrote that “In many cases, if [impeachment] will connect itself with the pre-existing facts, and will enlist all its animosities, partialities, influence, interest on one side or on the other; and in such cases their 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.”

The President, not the nation, should be punished for his actions. Censure is entirely appropriate and Constitutional. Twice before in our history we have censured Presidents: Andrew Jackson, whose censure was revoked by a subsequent Congress before he retired, and James K. Polk, who was censured for his administration of the Mexican-American War.

We also know that history and legacy are the currency of the business of public policy. I believe whatever Congress does, history, in large part, will judge President Clinton, no matter what his policy successes may be, by this incident with Monica Lewinsky. The two names will be forever inseparable. But, this Congress will also have a place in this history. Will Congress be remembered as statesmanlike or a partisan circus that couldn’t let go of a “Get the President at any Cost” mentality. It seems that the anger and vitriol of a few members is going to stop the rest of the House from voting its conscience on this matter by denying us the opportunity to vote on a Censure. I believe history will look upon this impeachment as it looks upon the impeachment of Andrew Johnson; as a low point in our nation’s history when we ignored our better angels.

In the end, the alleged crimes or infractions of the President, as offensive as they are, do not meet the level of “high crimes and misdemeanors,” nor do I believe it is in the best interest of the nation that we endure a trial in the Senate over these issues for the next six to 12 months. On that basis, I rise to oppose impeachment. Impeachment, in this case, does not protect the nation. In fact, it would serve to undermine the very rule of law that we are trying to uphold by setting a precedent of a standard of impeachment so low that future Congresses could intimidate the executive branch and create a shift toward a British style Parliamentary system of government.

Congress should publicly condemn the President’s conduct through a joint resolution of censure, cosigning this President to history with the undoubtedly indelible mark of scandal.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, I submit for the RECORD the following statement detailing why I will be in opposition to the four articles of impeachment. After reading and studying the written material available to me and viewing the House Judiciary Committee hearings. I cannot in good conscience support the impeachment of President William Jefferson Clinton. I am very disappointed with the unjust and highly partisan manner in which the House Judiciary Committee hearings were conducted. The hearings lacked due process. The Committee did not take any evidentiary testimony of material witnesses. The Committee’s star witness, Independent Counsel Ken Starr, was not a material witness and in fact was not present when material witnesses were interviewed by the Grand Jury.

The Committee failed to produce “clear and convincing” evidence to support its articles of impeachment. It is my conclusion that the four articles of impeachment brought against the President do not reach the constitutional standard of “high crimes and misdemeanors,” even if proven. The lack of bipartisan support for any of the articles is a sad indication that they are based more on partisan politics than on any substantial evidence.

President Clinton has unquestionably and admittedly done wrong. Members of Congress should be given the opportunity to condemn his actions through an official resolution of censure. The President will, and should, pay for his wrongdoing in public esteem and tarnished legacy. The nation, the Presidency, and the democratic process, however, need not bear the cost of continuing what has become little more than a wasteful partisan drama.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CONDIT).

Mr. CONDIT. Mr. Speaker, I rise in opposition to the resolution. Throughout this difficult process I have worked very hard to remain objective and have taken great steps to avoid prejudging President Clinton, the work of the Independent Counsel, or the motives of others concerned with this matter. The thorough investigation and, in fact, was one of 31 Democrats to vote for an open impeachment inquiry by the Judiciary Committee. I wanted all the serious charges that have been brought against the President investigated, resolved, and acted upon.

Kenneth Starr presented his findings, ultimately dismissing the charges regarding the Whitewater Development Company, White House Travel Office firings and handling of the FBI files. Following Judge Starr’s actions, the Judiciary Committee determined that alleged campaign finance abuses during the 1996 election season lacked merit and declined to take further action. After all was said and done the remaining charges centered on the President’s personal behavior.

I expected the Judiciary Committee to conduct a meaningful, nonpartisan investigation of the President’s conduct. However, what resulted was politically-driven drama which leaves me with serious reservations whether the case has been made for removing the President from office.

Without question the President’s behavior was inexcusable and indefensible. It was wrong. He has said so himself and apologized to the American people. However, to overturn the electoral will of the American people requires a much higher threshold than personal misconduct.

Impeachment is far too serious an issue to be brought by an allegory. As we proceedings in the Judiciary Committee were acutely partisan. At a time when truth should have been paramount, the Judiciary Committee drew lines in the sand. I am very concerned that given the historical magnitude of this vote, that is a precedent we ought not to set.

The actions of the President cannot be condoned. I have grave reservations whether they meet the constitutional standards for removal from office. While the President may very well be forced at some point in the future to face civil charges for his actions, given the information currently available to us, removal from office isn’t justified. Unfortunately, no alternative to impeachment was allowed consideration. Instead, the House of Representatives was presented with an “all-or-nothing” choice.

I have seriously considered these multiple investigations as well as the President’s personal behavior and have spent a great deal of time reflecting on them. To prolong this national ordeal is unthinkable. We must bring it to an end and we must do so now. To draw this out further is not in the best interests of the country or the American people.

We are in a period where the politics of personal destruction have taken precedence. Millions of dollars are spent in seemingly endless partisan investigations whose only purpose is to discredit and embarrass political opponents. It poisons the debate and undermines sincere efforts to find solutions to the problems facing our nation.

People of good will are sincerely divided by this issue. Regardless of the ultimate resolution, America and the American people are greater than this and we will get beyond this trying time. Above all else, I am confident that we will rise above this.

I have confidence in the American people and in our institutions.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BRADY).

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to not impeach the President of the United States.

Mr. Speaker, seven months ago next Monday, I was sworn in as a Member of this House. That was one of the proudest days of my life, but not because I had been elected to high office. It was a proud day because I thought I was becoming a part of something bigger than me, something with dignity and honor. I thought I was joining a team.

In my remarks that day, I told this House that as far as I am concerned, the team that I am on is the team of the United States of America. Now I know that there is no Team USA in this body. There is only team GOP. That majority in this body is about to drag this country through the mud in order to get revenge for losing the last two national elections. Leadership is allowing to trample over the Constitution in order to punish our President for the crime of beating their candidate.
Mr. Speaker, I am not proud to be a part of this body today. But, I am proud to support my President. I am proud to support him because this is not just about Bill Clinton the man. It is about philosophies and the philosophies of the American people. President Clinton wants Social Security reform—for them. He wanted a patient's bill of rights and a good education—for them.

You may, and probably will, impeach him this weekend. But you will never impeach the will and the opinion of the American people. I urge my colleagues to vote no on impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. MEEHAN), A MEMBER OF THE COMMITTEE.

Mr. MEEHAN. Mr. Speaker, I feel I need to respond to the gentleman from Wisconsin who totally misrepresented the President's grand jury testimony. He said that the President did not admit to sexual relations with Monica Lewinsky. In the grand jury testimony he acknowledged having an inappropriate relationship with Monica Lewinsky. I wish he had done it earlier, but he clearly did it then.

He did not give prosecutors all the details. That only conflict in the testimony between the President and Monica Lewinsky is when and where the President touched Monica Lewinsky.

Now, let's be serious. Are my colleagues ready to send over to the United States Senate a trial on impeachment about when and where the President touched Monica Lewinsky? That is what this case is about.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), A MEMBER OF THE COMMITTEE.

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

Mr. DELAHUNT. Mr. Speaker, no one excuses the President's behavior. It deserves our censure and our condemnation. But I am just as concerned about our behavior, about the effect our actions may have on eroding public confidence and the rule of law and the principles of fairness and due process that are embedded in our Constitution that make this nation, this America, so unique among the family of nations. I believe this is ultimately more important than the fate of one particular President.

When we began this inquiry, I expressed the hope that it would be thorough, fair, and respectful of the rule of law and that our verdict would be respected as well and we would be found no less worthy of praise than those who conducted the Nixon inquiry nearly 25 years ago. They managed to transcend partisanship, to set a standard of fairness and due process that earned them an honored place in our history. And I am truly saddened that we failed to measure up.

It was the gentleman from Illinois (Mr. HYDE) who said that without bipartisan support any impeachment is doomed. And I agree. Yet the majority has sacrificed the legitimacy of this impeachment by proceeding without that support.

As we prepare to render our verdict on President Clinton, the American people deserve a verdict in judgment on us and I believe they will judge us harshly because we have failed in our duty to the rule of law. We failed the rule of law when we abdicated our constitutional responsibility to an unelected prosecutor, when we rubber stamped his conclusions and failed to conduct our own independent examination of a record replete with contradictions, inconsistencies and half truths. We failed the rule of law when we could not summon the political courage to call real witnesses to test their credibility.

President Nixon was afforded that opportunity. President Clinton was not, and that was unfair. We failed the rule of law when we informed the President's counsel of the precise charges only after he made his closing argument. That was unfair. We failed the rule of law when we put the burden on the President to prove his innocence. That was unfair.

President Clinton obeyed the law but they, no less than other citizens, are entitled to its protections. That is what distinguishes a free country from a totalitarian one. And let us hope that the freedom we have struggled so hard to achieve will weather this storm for the sake of the country that we all love so dearly.

I oppose the articles of impeachment as reported by the Judiciary Committee. I agree with much of the reasoning included in the Majority's Dissenting Views. However, I write separately to clarify my own perspective on a number of matters, including the reliability of the allegations upon which the case for impeachment is based.

I neither condone nor excuse the President's admitted misdeeds. However, I agree with my Minority colleagues that the allegations, even if true, do not form a constitutionally sufficient basis for impeachment. Whatever the Founders meant by "high crimes and misdemeanors," it is well-established that impeachment should be reserved for situations in which the incumbent poses so grave a danger to the Republic that he must be replaced before finishing his term of office. The Majority has utterly failed to establish that such is the case here.

As for the allegations themselves, however, I do not believe the Minority is in any better position to assess their accuracy than the Majority. The committee took no direct testimony in this matter. We called not a single witness who could testify to the facts. Instead, we relied solely on the assertions contained in the referral of the Independent Counsel. Those assertions are based on grand jury testimony and other information—much of it ambiguous and contradictory—whose credibility has never been tested through cross-examination.

Even absent such evidentiary problems, Article II of the Constitution imposes upon the committee a solemn obligation—which it may not delegate to the Independent Counsel or any other individual—to conduct a thorough and independent examination of the allegations and make its own findings of fact.

By failing to do this—by merely rubber-stamping the conclusions of the Independent Counsel—we have not only failed to establish a factual basis for the charges set forth in the articles of impeachment, we have neglected our constitutional role to an unelected prosecutor and recklessly lowered the bar for future impeachments. In so doing, we have sanctioned an encroachment upon the Executive Branch that could upset the delicate equilibrium among the three branches of our government that is our chief protection against tyranny.

A related casualty of our cavalier approach to this investigation has been the due process to which even our Presidents are entitled. We released the referral—including thousands of pages of secret grand jury testimony—within hours of its receipt, before either the Judiciary Committee or the President's counsel had any opportunity to examine it. We voted to initiate this inquiry against a President without even a cursory review of the allegations. We required the President's counsel to prepare his defense without knowing what charges would be brought. And we released articles of impeachment—drafted in secrecy by the Majority—before the President's counsel had even finished his presentation to the committee.

Having put before the public a one-sided case for the prosecution, some member of the Majority actually suggested that the President had sacrificed the burden of proving his innocence. When he attempted to do so, those same members accused him of "splitting hairs."

This was perhaps the most disturbing aspect of our proceedings. We live in a nation of laws in which everyone, no matter what the office or President—is entitled to due process. This has nothing to do with "legal hairsplitting." It has everything to do with requiring those who wield the awesome power of the State to meet their burden of proof. That is what distinguishes this country from a totalitarian one. That is the genius of a Constitution crafted by men who knew and understood the nature of tyranny. As one former United States Attorney testified during our hearings, those who complain most loudly about such "technicalities" are the first to resort to them when it is they who stand accused.

Public confidence in the rule of law is ultimately more important than the fate of one particular President. And the official lawlessness that has characterized this investigation has done far more to shake that confidence than anything of which the President stands accused.

These proceedings stand in stark contrast to those of the Watergate committee—which the Majority had self-consciously adopted as its model. During the Watergate crisis, the Rodney 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. Again, the Judiciary Committee, but have abandoned this inquiry, I expressed the hope that our proceedings would be equally fair, thorough and bipartisan, and that—whatever our verdict might be—our efforts would be found as worthy of praise.

In at least one important respect, the committee did merit such praise. Chairman HYDE permitted us to offer a censure resolution despite the extraordinary pressures that were
brought to bear for him not to do so. In my view, the resolution which I sponsored, together with Mr. BOUCHER, Mr. BARRETT and Ms. JACKSON LEE, was—and remains—the most appropriate means of condemning the President's misconduct while sparing the nation the trauma, turmoil and uncertainty of a lengthy Senate trial.

Contrary to the continuing claims of some that censure would be unconstitutional, a score of constitutional experts called as witnesses by both Republicans and Democrats on the Committee agreed in writing that a margin of 4 to 1—that the Constitution does not prohibit censure. And it would be a breathtaking departure from the democratic principles which are the soul of the Constitution to deny the full House an opportunity to vote on an alternative to impeachment.

As we stand on the brink of an impeachment vote for only the second time in our history, we can only hope that the democracy that has survived so many storms will weather this crisis as well, and that the irresponsible actions of this Committee will not be allowed to damage the country that we all so dearly love.

**OPENING STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS BEFORE THE COMMITTEE ON THE JUDICIARY REGARDING THE PROPOSED RESOLUTION OF INQUIRY—October 5, 1998**

Mr. Chairman, 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 to this Committee 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 the government should impeach the President. It is the committee's responsibility to conduct our own preliminary investigation to determine whether information from the Independent Counsel is sufficient to warrant a full-blown investigation. And we have not done so.

If we abdicate that responsibility, we will turn the Independent Counsel Statute into a political weapon with an automatic trigger—by allowing it to be misused for a political weapon with an automatic trigger—by allowing it to be misused for a political weapon with an automatic trigger.

There are now 50,000 pages of raw, unproven allegations, as well as 17 boxes of other sensitive material, as well as 17 boxes of other sensitive material. The grand jury transcripts, together with the videotape of the President's testimony, are public figures.

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 privileged materials under Rule 6(e) of the Federal Rules of Criminal Procedure" (the rule that provides for the secrecy of grand jury records). The fact that the President's detriment is 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 have no doubt that the observer looking back on these past nine days could characterize our proceedings in that manner. The process continues to careen forward—without a roadmap—at a dizzying pace.

**FUNDAMENTAL FAIRNESS**

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Looking to Precedent

This is certainly not an ordinary case. But neither is it, in fact, an example of riding roughshod over precedent and due process.

In the one historical precedent that is closest to the Watergates, due process required a thorough and scrupulously observed. Twenty-four years ago, a Republican president was under investigation by a Democratic House. The committee spent seven weeks in closed session, reviewing Judge Sirica's grand jury materials prior to their release. President Nixon's lawyers were permitted only to participate in these sessions, but to cross-examine witnesses before their testimony was made public.

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

In fact, the case for preserving the confidentiality of the evidence is even stronger than the Watergate case. Mr. Starr's grand jury has made no findings whatsoever with respect to the evidence. The material we have consists merely of selected pages or portions of transcripts of material 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 grand 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 use is handled appropriately. This is true even if we will not only cripple this President, but will do lasting harm to the values and institutions we hold most dear.


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

I certainly agree that the report should be released. That is not even an issue. It will be released. The only question is when and how it should be done. For in exercising the responsibilities that the Constitution has thrust upon us, we must be sure that we proceed in a manner that will not only cripple this President, but will do lasting harm to the values and institutions we hold most dear.

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

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

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

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

Some have argued that we should go ahead and release the report because there are still 2000 pages of such material that will not be released without Committee review, and this will be sufficient to prevent irreparable harm to lives and reputations. They cite Mr. Starr's request that we seek certain information in the supporting material as confidential, apparently inferring that the information in the report itself does not constitute the basis for such a request. We did not say this. And even if he had, it is for this House to determine what information should be disclosed. We should not abdicate this responsibility to the Independent Counsel.

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

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

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

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

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

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

Dissenting Views of the Honorable William D. Delahunt of Massachusetts Concerning the Resolution Relating to an Inquiry of Impeachment

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.

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 to know whether there is substantial and credible evidence to warrant an inquiry—other than the assertion of the Independent Counsel himself that his information is “substantial and credible” may constitute grounds for impeachment.”

I believe that our failure to conduct so much as a cursory examination beforelaunching an independent counsel and abdicating our responsibility under Article II of the Constitution of the United States. By delegating responsibility to the independent counsel, “there is no remedy for that, not even a political one.” 487 U.S. 654, 728 (Scalia, J., dissenting).

Under the Independent Counsel Act, there is no political remedy at any point—unless the House of Representatives, on referrals 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.

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 of 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 independent counsel and faced the reality that a single prosecutor, that the greatest danger of abuse of prosecuting power lies. It is here, 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 rush to release Mr. Starr’s findings 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 sufficient grounds for a full-blown inquiry. And we have not done that.

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 by the independent counsel, and the leverage the House 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 aboli-

tion 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 foreclose our ability to deny to the independent counsel its responsibility to ensure due process and conduct an independent review. It did so when it refused to launch an impeachment proceeding to 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.

If the House approves this resolution, it will be the first time in the course of this unfortunate episode that we would abdicated its responsibility to ensure due process and conduct an independent review. It did so when it refused to launch an impeachment proceeding to 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.

The danger perceived by Justice Scalia flows from the nature of the prosecutorial function itself. He recognized a familiar exclamation from an address by Justice J. 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... in which the prosecutor 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...”

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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 schedule will not only prevent this inquiry from consuming not only the remainder of this year but most of next year as well.

Nineteen 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 and await his referral to the House, what he has given us is essentially an interim report. As long as that 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 stand for.

They do not want us traumatizing the country for 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 transformed the Constitution 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 impeachment offenses if proven. Only if the answer to that question is “yes” would we proceed to inquire into whether those offenses are true. The entire process would end by December 31st—the target date chosen by Chairman Hyde himself—unless the committee asks for additional referrals.

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 can embrace our conclusions, whatever they may be.

STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS IN SUPPORT OF THIS MOTION TO ALLOW COUNSEL TO THE PRESIDENT TWO HOURS IN WHICH TO QUESTION THE INDEPENDENT COUNSEL—THURSDAY, NOVEMBER 19, 1998

Mr. Chairman, I have a motion at the desk and ask for its consideration.

Mr. Chairman, the committee has given the Independent Counsel a full two hours to present his version of the case—a version with which most Americans are already fully familiar. Mr. Starr or his aides have already submitted 300 pages of material he has already submitted.

At the same time, the committee has seen fit to give the President’s counsel all of 30 minutes in which to mount what is meant to be the President’s sole opportunity to confront his accuser during these proceedings.

I believe this does a grave disservice, not only to the President but to the integrity of these proceedings. It is a complete and unwarranted departure from the precedents of this House.

During the Watergate hearings of 1974, President Nixon’s counsel, Mr. James St. Clair, was given the needed time to respond to the evidence and cross-examine witnesses. This is as it should be, Mr. Chairman. We are talking about the impeachment of the President of the United States, not a tariff schedule.

I know that some members of the Watergate committee argued that the President’s counsel was entitled to counsel, but be given limited time to speak. But those views were wisely overruled in the interest of fairness and decency. President Clinton is entitled to the same consideration shown to President Nixon on the occasion. No more, and no less.

The record of the Watergate hearings makes clear that at no time was Mr. St. Clair restricted to a particular time limit for his presentation or his examination of witnesses. Let me cite just three passages from the record.

On June 27, 1974, Chairman Rodino noted that Mr. St. Clair had requested one or two days to make his oral response to the initial presentation of the evidence, but that St. Clair “expressed to me that he hoped he might be able to conclude his presentation, if it is at all possible, today. This is not restrictive.”

On July 18, 1974, Chairman Rodino recognized Mr. St. Clair for an additional response at the conclusion of the evidence, and noted—over the objections of some Democratic members—that “he is going to take at least an hour and a half.”

Finally, the record of the Watergate hearings makes clear that Mr. St. Clair cross-examined each of various witnesses, including William Bittman, Charles Colson, and Joan Dean, for as much as 1 1/2 hours. On no occasion was he interrupted by the chairman, nor did he ever run out of time.

Is there any legitimate basis for applying a different rule today? The majority may point out that the Watergate testimony was heard in closed session, while today we sit before the cameras and the public. Yet, that being true, it is more important, not less, that the President be given a full and fair opportunity to respond to the charges that are being leveled against him.

They may argue— as they did in a recent column— that “he has all of 16 hours to prepare his response.” In fact, he calls only one witness. Himself.

You don’t know what you’re charged with, Mr. Chairman, I would like to ask you to suppose you’re an ordinary citizen summoned to defend yourself in court.

You don’t know what you’re charged with, because there’s been no indictment.

The majority claims that an independent counsel is investigating your financial dealings. But when you get to the courtroom, he only wants to talk about sexual assault.

Mr. Chairman, you send the jury a 445-page report telling just his side of the story, and releases thousands of pages of secret grand jury testimony to the public.

He calls none of the witnesses quoted in his report, so you can’t challenge their veracity. In fact, he calls only one witness. Himself.

That turns out he’s never even met your chief accuser.

The judge allows new charges to be raised in the midst of the trial, then drops them again.

He warns that you will be convicted if you do not offer a defense. Then when you do so, he tells you not to hide behind “legal technicalities.”

The scene I’ve just described wasn’t dreamed up by George Orwell of Franz Kafka. It’s not a Cold War account of a Soviet show trial. In fact, it is similar to what’s taken place here—in America—during the course of this impeachment investigation.

We are about to vote to impeach the President of the United States of America that would never even have been brought against an ordinary citizen.

We have delegated our constitutional duty to substantiate those charges to an unelected prosecutor.

We have called no witnesses to testify to the charges—except the prosecutor himself. And he admitted he has no personal knowledge of the facts—and never even met Ms. Lewinsky.

None of his witnesses were subject to cross-examination to test their credibility—despite Mr. Schippers’ statement that they should be.

Having put before the public a one-sided case for the prosecution, some members of this committee have suggested that the President has the burden of proving his innocence. When he has attempted to do so, those same committee members have accused him of “splitting hairs.”

We have required the President’s counsel to prepare his defense without knowing what formal charges would be brought. And we released articles of impeachment to the press before Mr. Ruff had even finished his presentation.

I am sorry hearing the other day, one of my Republican colleagues alluded to those who consider “real Americans.” To me, the real
America is a land where every person—whether pauper or President—is accorded due process of law.

Due process is nothing to do with "legal hair-splitting." It has everything to do with requiring those who wield the awesome power of the State to meet their burden of proof, and to abide by the same constraints that the people of this country from a totalitarian one. That is the genius of a Constitution crafted by men who knew and understood the nature of tyranny. As former President Eisenhower said, "The small group who complain most loudly about such "technicalities" are the first to resort to them when it is they who stand accused."

For the purpose of this argument, let us cite the famous passage from A Man for All Seasons, in which Thomas More defines the rule of law against those who would "cut down every law in England" to "get after the Devil." More says, and I quote, "And when the last law was down, and the Devil turned round like a runaway train you would hide, the laws all being flat? This country's planted thick with laws from coast to coast—Man's laws, not God's—and if you cut them down—and you cut American law down—yes, I believe you honestly think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake."

"We would all do well to ponder those words, Mr. Chairman. For though we have invoked legal language, we have failed to embrace it. How can the American people accept our verdict, unless they are satisfied that we have conducted ourselves in an orderly, deliberate and responsible a fashion as did the Watergate committee in 1974?"

Chairman Rodino did not proceed with the Nixon impeachment until it was clear that it had substantial bipartisan support. Chairman Hyde began these proceedings by observing that without such consensus, impeachment ought not go forward.

Yet, this has been the most partisan impeachment inquiry since the infamous trial of Andrew Johnson five generations ago. It is like a runaway train.

Within the committee, some of us have attempted to apply the brakes, developing a respectful—though ultimately unsuccessful—dialogue with our colleagues across the aisle. Elsewhere, growing numbers of thoughtful Republican leaders—convinced that the country's political system is broken, not beyond redemption—have joined the search for a bipartisan approach and abuses of office that require a constitutional coup d'etat.

Chairman's statement

If the President really did commit perjury or other criminal acts, the law will deal with him in due course. Our job is to safeguard the Constitution. And the principal of popular sovereignty, bestowing the words of Henry Hyde, its "heart and soul."

There is still time to trust the people, Mr. Chairman. Let us do so before it is too late.

"The attempt to conceal evidence that had been subpoenaed of President Nixon’s inner circle. Erlichman, John Dean, and other members of President Nixon’s inner circle.

That testimony enabled the committee to make its own findings of fact with respect to the allegations against the President.

That is what distinguishes their investigation from our own. We have not heard from a single witness who can assist us in making findings of fact with respect to the allegations in the Starr report. Not one.

"Let me offer just one concrete example of why this concerns me."

One count in the proposed Article of Impeachment alleges that the President "corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed of the Paula Jones case."

Translation: the President asked his secretary, Betty Currie, to retrieve certain gifts which he had given to Monica Lewinsky, in an effort to conceal their relationship.

It is undisputed that Ms. Lewinsky returned the gifts to Ms. Currie. She did so on December 26, 1997. The key question is whether the President asked Ms. Currie to retrieve the gifts, or whether Ms. Lewinsky made her own arrangements to return the gifts without the President's involvement.

On Wednesday, the Independent Counsel released a statement to the press, taking issue with Mr. Ruff's presentation to this committee, and claiming that the President's involvement is substantiated by the billing records from Ms. Currie's cellular telephone account.

The records—which Mr. Schippers used in his closing statement to the committee—indicate that a one-minute call was placed from Ms. Lewinsky's landline to Ms. Lewinsky's cellular telephone number on December 20, 1997 at 3:32 p.m.

On Wednesday, the Independent Counsel released a statement to the committee, Mr. Schippers made much of this document. He said that it—and I quote—"corroborates Monica Lewinsky and proves conclusively that Ms. Currie called Monica Lewinsky by cell phone several hours after she had left the White House."

"Why did Betty Currie pick up the gifts from Ms. Lewinsky?" Mr. Schippers asked. And he answered, "The facts strongly suggest the President directed her to do so."

That is his support for the charge that the President sought to conceal evidence. But there's a problem with this evidence. It is directly, explicitly contradicted by the FBI report of the interview with Monica Lewinsky, lodged as a part of the Independent Counsel's case.

That report, which appears in the first appendix to the Starr referral on page 1396, states: "Lewinsky met Currie on 28th Street outside Lewinsky's apartment at about 2:00 p.m. and gave Currie the box of gifts."

This raises the following question. If the gift exchange had already taken place at 2:00, how could the telephone call placed at 3:32 have been for the purpose of arranging it?

This is an inconsistency—one of many troubling inconsistencies—in the documents themselves. Yet this potentially exculpatory fact—taken from materials in the possession of the Independent Counsel—was never acknowledged by Mr. Starr, nor was it acknowledged by the Mr. Schippers.

Both of them affirmatively led the committee to believe that the call was for the purpose of arranging for Ms. Currie to pick up the gifts.

And now we are preparing to vote on an article of impeachment that is substantially based on that telephone call.

That was the purpose of the call? We don't know. It appears that the investigators never asked. And we have never had the opportunity to ask. Because we have not heard from the witnesses themselves.

This is no way to conduct an inquiry. Mr. Chairman. It is a disgrace. And it is an insult to the rule of law.


Mr. Chairman, over the past 24 hours this issue has generated more heat than light. The President's actions pose a threat to the Republic so great as to compel the removal of the nation's Chief Executive.

It is last resort—an ultimate sanction—to be imposed on Presidents who fall short of our expectations.

Impeachment is not a punishment to be imposed on Presidents who fall short of our expectations.

It's last resort—an ultimate sanction—to be used only when a President's actions pose a threat to the Republic so great, as to compel his removal before his term has ended.

Impeachment should be considered only when there is no alternative. In this case, we have no alternative.

I want to thank you, Mr. Speaker, for allowing this resolution to come to a vote. I
have no doubt that you were under great pressure not to do so, and I applaud you for recognizing that it was the fair and proper thing to do.

I only hope that Speaker-Elect Livingston will emulate your political courage and allow us a vote on the floor as well.

The resolution expresses the overwhelming sentiments of the American people—

That the President committed serious indiscretions with a subordinate.

That in the effort to conceal his misdeeds, he compounded them—abusing the trust placed in him and deliberately, cynically, lying to the American people.

That these actions warrant condemnation—but not impeachment.

The resolution doesn’t mince words. It denounces the President’s behavior sternly and unambiguously. It is plain, simple English.

It acknowledges that the President is not above the law—like every citizen, he remains subject to whatever penalties a court might impose on him at some future date. This language may be too harsh for some; too lenient for others. But its purpose should be clear to all.

Censure has been endorsed by no less a luminary than President Ford, who called it “dignified, honest and, above all, cleansing.”

These are sentiments with which most Americans—including many prominent Republicans—agree. Yesterday, Governor Pataki of New York became just the latest to announce his support for censure.

Yet some argue that a censure of the President would be unconstitutional. Why? Because the Constitution does not mention censure. It’s “impeachment or nothing,” we are told.

That’s absurd. We have ample discretion to do either, as two-thirds of the constitutional experts called to testify by both Democrats and Republicans agreed.

The Constitution—in the words of Justice Jackson—is not a suicide pact. It does not compel us to detonate a nuclear explosion when light artillery will do.

Others oppose censure because they believe it’s “just a wrist.” That’s not how Andrew Jackson saw it when the Senate censured him in 1834. He was humiliated.

Finally, some have claimed that censure would be “short-circuit” the impeachment process. They insist on going forward, but assure us that once we’ve launched our nuclear explosion, we can rely on the Senator to assure us that once we’ve launched our nuclear explosion, we can rely on the Senator to assure us that once we’ve launched our nuclear explosion.

Yet we have not done this. The committee did not call a single witness who could testify to the facts. Instead, we have abdicated that responsibility to an unelected prosecutor and rubber-stamped his conclusions. Conclusions based on grand jury testimony and other information—inebriate, ambiguous, and contradictory—whose credibility has never been tested through cross-examination.

This fraudulent investigation is insufficient—as a matter of law—to form a factual basis for the charges set forth in the articles of impeachment. The President is innocent of those charges—less—as some are determined to do—we will lower the bar for all future impeachments.

We can register our support for censure by voting “yes” on the motion to recommit which will be offered by Mr. Boucher at the conclusion of this debate—to return this matter to the Judiciary Committee and demand that they bring a censure resolution to the floor.

As we stand on the edge of an impeachment vote for only the third time in our history, we can only hope that the democracy that has survived so many storms will weather this crisis as well and that our reckless actions will not lastingly damage to the country that we all so dearly love.

Mr. McCollum. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. Ryun).

Mr. Ryun. Mr. Speaker, I rise in support of the four articles of impeachment.

Mr. Speaker, regrettably I rise today to speak in favor of the Impeachment of the President of the United States, William Jefferson Clinton.

Impeachment and removal of the President was the remedy given to Congress to address a chief executive who attacked the Constitution and resulting rule of law that governs our society. The Articles of Impeachment against President Clinton deserve serious consideration because they arose out of the efforts of the President to delay, deny, and obstruct a criminal investigation into sexual harassment.

Specifically, the President is charged with willfully lying under oath on four specific occasions: on December 17, 1997, in response to written questions in a federal civil rights action; on January 17, 1998, in a deposition for a federal civil rights action; on February 17, 1998, in sworn testimony before a federal criminal grand jury; and on November 27, 1998, in sworn responses to the House Judiciary Committee. The President is also charged with obstructing justice in a federal civil rights sexual harassment claim. The President did so for personal exoneration and pecuniary gain. These actions constitute a direct attack on the Judiciary, the third branch of government set forth in our Constitution.

Prayerfully considered each article and the supporting evidence, I have come to the conclusion that under my duties set forth by the Constitution, with conscience as my guide, I must vote in favor of Impeachment because I am convinced beyond a reasonable doubt that the President committed these offenses and should stand trial on these charges in the Senate. The Senate should be given the opportunity to exercise its Constitutional responsibility and hear evidence from both sides to determine whether the President should be convicted and removed from office.

If we choose to ignore these charges, we would set a dangerous precedent that the President of the United States, the chief law enforcement officer, may willfully ignore the law that governs our society. The ruler cannot be above the rule of law.

This is a somber time for our country. None of us, as citizens of these great United States,
Mr. Speaker. I ask each Member of this Congress to vote in the way our Founders intended when they crafted our Constitution.

Mr. McCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BARR).

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

I would respond to the gentleman from Massachusetts that apparently he is under the impression that the President admitted to the truth in his grand jury testimony. He did not. He waived a statement. Each and every time which he did that, this was not telling of truth, it was simply one more count of false declaration before a grand jury or a court.

He lied about his relationships with Monica Lewinsky in the deposition in January. He lied again about it before the grand jury in August. There was nothing truthful about the President's statement to that effect. While simply the fact that he issued a statement may be sufficient for the gentleman from Massachusetts, it is still not the truth.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO asked and was given permission to revise and extend his remarks.

Mr. MANZULLO. Mr. Speaker, the Constitution makes the President the caretaker of the laws of our Nation. This means the President protects the people by nurturing and supervising our legal system, plus he must lead by example. To show the President has lied under oath, obstructed justice and abused the power of his office. How can he possibly serve as the caretaking of our laws if he cannot abide by them?

Our legal system demands equal justice under law. To treat the President differently than other Americans brings grave consequences for the sanctity of our judicial process.

And everyone likes to talk about polls for what they are worth. Let us talk about this one. According to the Scholastic News, a weekly magazine circulated in schools, 85 percent of fourth graders nationwide stated they believe a President who lies should lose his job. We have taught our children to believe a President who lies should lose his job.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, it is with a profound sense of sadness that I stand here this evening. We are called upon to decide what is right for the country and what is required to serve the interests of justice. In making this decision, I recognize that the purpose of impeachment is not to punish a political leader, but to preserve the integrity of our institutions of government.

In recent days I have written twice to the President asking him to come to terms with the fact that he broke the law and to take responsibility for his actions. I urged the President to come before the American people, admit that he committed perjury and indicate that he was prepared to face the consequences. If he did, I told him, I believe this Congress could work out a remedy other than impeachment. On the eve of this debate I wrote to the President one more time and called upon him to tell the truth, the whole truth and nothing but the truth.

Tonight I want to issue one final plea to the President:

"It is not too late to demonstrate true personal courage and moral leadership. Save the Nation the trauma of an impeachment trial, and save your Presidency."

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, as a Member of Congress this vote is one of the most solemn, serious and important decisions each of us will ever make and one I cast only under a profound sense of constitutional duty.

In 1776, Thomas Paine in his pamphlet Common Sense wrote, quote: ""For as in absolute governments the king is law, so in free countries the law ought to be king."" Mr. Speaker, our Nation was created in part because our founders were forced to live under one set of laws while another set of laws was enforced under another.

The equal application of the rule of law has become the principle upon which our entire legal system is based. Mr. Speaker, I believe the facts clearly indicate that President Clinton has committed the very serious felonies of perjury and obstruction of justice and in so doing has violated the trust of the American people.

Mr. Speaker, it is absolutely critical that all Americans, including and especially the students of the United States, obey the law. Bill Clinton is our President, not our king. He is not above the law. To allow our chief law enforcement officer to commit these felonies without facing serious consequences is to send a dangerous message to all Americans. That there are again two standards of justice in America, one for the President and one for the rest of us.

Mr. Speaker, we have a constitutional obligation to apply the law to the President just as we would apply it to any other American. I believe we have no other choice but to vote aye on these articles of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, if it is so clear that the President committed perjury, why wonder the members of the Committee and the Judiciary did not tell us which words were perjurious?

I am a former prosecutor. If anyone is charged in America with perjury the burden is to specifically show what was perjury. We did not do it in this case.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I submit my statement and supporting documents in opposition to the articles of impeachment.

Mr. Speaker, in October we voted on whether to receive the Starr report and to have the Judiciary Committee define the impeachment standard on which to review these allegations and to guide us here in this debate. But the Majority Party, the Republicans, said "No, we will not define the standard and what is the standard? Did President Clinton commit "high Crimes and Misdemeanors" warranting impeachment under the Constitution?

The Judiciary Committee would not tell us, so 430 legal scholars spoke up and wrote to the Speaker, and here is what they had to say, in part:

"We write neither as Democrats nor as Republicans. Some of us believe that the President is factually guilty of perjury, others believe he is not. But the membership of the Independent Counsel has said this letter has nothing to do with any such judgment. Rather, it expresses the one judgment on which we all agree: that the allegations detailed in the Independent Counsel's referral and summarized in Counsel Shipper's statement do not justify presidential impeachment under the Constitution."

No existing judicial precedents bind Congress's determination of the meaning of "high Crimes and Misdemeanors." But it is clear that Members of Congress did violate their constitutional responsibilities if they sought to impeach and remove the President for misconduct, even criminal misconduct, that fell short of the high constitutional standard required for impeachment.

"It goes without saying that lying under oath is a serious offense. But even if the House of Representatives had the constitutional authority to impeach for any instance of perjury or obstruction of justice, a responsible House would not exercise this awesome power on the facts alleged in this case. The House's power to impeach, like a prosecutor's power to indict, is discretionary. This power must be exercised not for partisan advantage but only when circumstances genuinely justify the enormous price the national will pay in governance and stature, if its President is put through a long, public, voyeuristic trial. The American people understand this price. They demonstrate the political wisdom that has held the Constitution in place for two centuries when, even after the publication of Mr. Starr's report, when all its extraordinary revelations, they oppose impeachment for the offenses alleged there.

A majority of the American people are being denied through their elected representative an opportunity to cast a vote on a bipartisan compromise—a vote of conscience to censure the President.
I wish to share with the nation the letter I am sending to my constituents on this historic vote:

DEAR CONSTITUENT: Thank you for sharing your views, hopes, fears, and thoughts on the Articles of Impeachment pending against President Bill Clinton.

My votes on impeachment were the most solemn and saddest votes I have ever had to cast. The constitutional importance, the constitutional division within the House of Representatives and indeed the nation itself cause me to pause and reflect on my personal, constitutional, national, political and family life. These were not easy votes. I read transcripts, watched the video deposition, reviewed testimony, and studied legal and historical precedents. I must follow my conscience. The decision I reach is my fondest hope that the Congress will not usurp the power of the electorate. The report of the Office of Independent Counsel, and documentation submitted by the President’s attorneys, and I attended briefings by constitutional and legal experts. Most of all, I listened to you, read your letters and emails, and your messages left with my staff and on our answering machines.

For only the second time in our nation’s history the House of Representatives voted on Articles of Impeachment. While impeachment is a part of our constitutional structure, the Founding Fathers made it clear it is a final recourse in dealing with a tyrant or a scoundrel whose actions clearly imperil the system of government. When an impeachment vote occurs, Congress usurps the power of the electorate. The removal of the President is reserved for the American people through elections, and Congress should only “substitute” or “invalidate” your vote and reverse the last presidential election through impeachment only when the misconduct alleged in the Articles of Impeachment is such that a President whose actions are of “such a grave nature that they imperiled the structure of our government.”

Because the U.S. House of Representatives failed to define the constitutional standard for impeachment, it then became possible for each member to devise his or her own impeachment standard that fits a personal perception of facts surrounding the President. Unfortunately, what individual members have perceived as impeachable facts run contrary to the facts perceived by two-thirds of the American people who have repeatedly stated they did not want this President impeached. The American people understand that a President can promote through his actions, and Congress should only “substitute” or “invalidate” your vote and reverse the last presidential election through impeachment only when the misconduct alleged in the Articles of Impeachment is such that a President whose actions are of “such a grave nature that they imperiled the structure of our government.”

I believe the reason for the partisan split on each article of impeachment came about because the impeachment standard was never defined and the Republican leadership stated it was up to each member “to vote their conscience.” Many individual members, both Democrat and Republican, have confided to me that a true vote of conscience was to be cast on the basis of the President’s actions. Republican leadership refused to allow us to vote on censure.

Prior to drafting Articles of Impeachment against President Nixon, both Republicans and Democrats set forth an impeachment standard. The standard used in the Nixon impeachment was a constitutional standard by a personal standard. To date, more than 430 legal scholars have written to the House Leadership and the Judiciary Committee stating that the President’s actions necessary to sustain impeachment may be exercised with or without consistent offenses. Many of these legal scholars believe that the President’s actions necessary to sustain impeachment may be exercised with or without consistent offenses.

When a President is impeached, he exercises his executive powers, or uses information obtained by virtue of his executive power, to impeach himself. When a President is impeached, he exercises or offers to exercise his executive powers in exchange for the removal of the President from office.

The President’s independence from Congress is fundamental to the American structure of government. It is essential to the separation of powers. It is essential to the President’s ability to discharge such constitutional duties as he deems to be contrary to the nation’s interests and to governance when the White House belongs to a party different from that which controls the Capitol. Lower the threshold for impeachment, the weaker the President. If the President could be removed for any conduct of which Congress disapproved, this fundamental element of our democracy—the President’s independence from Congress—would be destroyed. It is not enough, therefore, that Congress strongly rejects the President’s conduct. Under the Constitution, the President cannot be impeached unless he has committed “Treason, Bribery, or other high Crimes and Misdemeanors.”

Some of the charges raised against the President fall so far short of this high standard that they strain good sense: for example, the charge that the President repeatedly declined to testify voluntarily or pressed a debatable privilege claim that was later judicially rejected. Such litigation “offenses” are not impeachable offenses. However, to other allegations, careful consideration must be given to the kind of misconduct that renders a President constitutionally unfit to remain in office.

Neither history nor legal definitions provide a precise list of high crimes and misdemeanors. Reasonable people have differed in determining these offenses. At one point, the proper interpretation of the Impeachment Clause must begin by recognizing treason and bribery as core or paradigmatic impeachable offenses, from which the meaning of “other high Crimes and Misdemeanors” is to be extrapolated. The constitutional standard for impeachment would be very different if different offenses had been included. And does not do read, “Treason, Felony, or other Crime” (as does Article IV, Section 2 of the Constitution), so that any violation of a criminal statute would be impeachable. Nor does it read, “Adultery, Desertion, Bribery, Forgery, or other high Crimes and Misdemeanors,” implying that any serious crime, of whatever nature, would be impeachable. Nor does it read, “Assault, Arson, Robbery, or other high Crimes and Misdemeanors,” implying that any conduct deemed to reveal serious moral lapses might be impeachable.

When a President commits treason, he exercises his executive powers, or uses information obtained by virtue of his executive power, to impeach himself. When a President is impeached, he exercises or offers to exercise his executive powers in exchange for the removal of the President from office.

The choice is clear. Members of Congress who would impeach the President for his actions are of “such a grave nature that they imperiled the structure of our government.”

Thank you for sharing your time, views, opinions, thoughts and prayers!

Hon. Newt Gingrich
Speaker, United States House of Representa-"
for corrupt gain. Both acts involve the criminal exercise of presidential powers, converting those awful powers into an instrument either of enemy interests or of purely personal gain in behavior that the critical, distinctive feature of treason and bribery is gross dereliction of official power (or, in the case of bribery to obtain or retain office, an attempt to achieve it). Non-indictable conduct might rise to this level. For example, a President might be properly impeached if, as a result of drug use, he or she endangered the nation and repeatedly misled executive authority.

Much of the misconduct of which the President is accused does not involve the exercise of executive powers at all. If the President committed perjury regarding his sexual conduct, this perjury involved no exercise of presidential power as such. If he committed fraud, evidence, this misdeed too involved no exercise of executive authority. By contrast, if he sought wrongfully to place someone in a job at the Pentagon, or lied to subordinates hoping they would repeat his false statements, these acts could have involved a wrongful use of presidential influence, but we cannot say that the President's alleged conduct of this nature amounts to the grossly derelict exercise of executive power sufficient to support removal.

Perjury and obstructing justice can without doubt be impeachable offenses. A President who corruptly used the Federal Bureau of Investigation to conduct an investigation that he knew would have criminally exercised his presidential powers. Moreover, covering up a crime furthers or aids the underlying crime. Thus a President who committed perjury to cover up his subordinates' criminal exercise of executive authority would also have committed an impeachable offense. But making false statements about sexual improprieties is not a sufficient constitutional basis to justify the trial and removal from office of the President of the United States.

It goes without saying that lying under oath is a very serious offense. But even if the House of Representatives had the constitutional authority to impeach for any instance of perjury or obstruction of justice, a responsible House would not exercise this awesome power on the facts alleged in this case. The House's power to impeach, like a prosecutor's power to charge, is to be exercised with care. To use the power must be exercised not for partisan advantage, but only when circumstances genuinely justify it. The awesome price the Constitution requires to be paid in governance and stature if its President is put through a long, public, voyeuristic trial. The American people understand this principle, and I believe the political wisdom that has held the Constitution in place for two centuries when, even after the publication of Mr. Starr's report, with all its stunning revelations, they opposed impeachment for the offenses alleged there.

We do not say that a "private" crime could never rise to the occasion to warrant impeachment. Congress might reasonably take the position that an individual who by the law of the land cannot be permitted to remain at large, need not be permitted to remain President. But if certain crimes such as murder warrant removal of a President from office because of their unspeakable heinousness, the same must hold true in the instant Counsel's report or the investigative Counsel's statement are not among them. Short of heinous criminality, impeachment demands a showing of grave or explicit failure of executive authority.

In our judgment, Mr. Starr's report contains no such evidence. Sincerely,

RICHARD L. ABEL
(And 442 others)
Mr. CHRISTIANSEN. Mr. Speaker, last week my wife and I toured the CIA headquarters, and chiseled in the granite as we walked in the door are these words: "You shall know the truth, and the truth shall set you free."

I believe that every woman is entitled to the truth in a sexual harassment lawsuit. The American people are entitled to the truth. We, the Congress, are entitled to the truth. Members of Congress told President Clinton, "Do not lie in your grand jury testimony or you will be impeached."

I support the articles of impeachment, not out of disrespect for President Clinton, but out of respect for our rule of law.

A constituent of mine from Omaha told me last week, "I wish it wasn't about sexual harassment, but the facts are he lied under oath, he covered it up for as long as he could, and he used his office to obstruct the work of the independent counsel and the rule of law." She went on to say, "We have men on death row that were sentenced based on the sworn testimony of witnesses, sworn testimony of the people who took an oath to tell the truth, the whole truth and nothing but the truth so help them God." Well, Mr. Speaker, this is the same oath that the President took raising his right hand, stating those sacred words in front of witnesses, a Federal judge and a grand jury. If the President can obstruct the rule of law, who can we assure that other witnesses will honor those words?

Some of my colleagues have said that we should not dumb down the impeachment process, but I say we should not dumb down the rule of law. The damage is done. The President cannot go back and he cannot change what has happened, and that is why we stand here today preparing to vote on the future of the most powerful man in the world, William J. Jefferson Clinton.

This is my last vote as a Member of Congress. I will not enjoy casting this vote. The President's behavior and his subsequent denials, false testimony and obstruction of justice have brought us to this point. Actions have consequences, and the consequences of the President's lies and obstructions these past many months must be for him to personally address his conduct before the United States.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota (Mr. THUNE).

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

Mr. THUNE. Mr. Speaker, over the past several weeks I have agonized like most Members of Congress over the weight and the burden of the constitutional duty that is facing the United States House of Representatives. This is one of the most difficult decisions I have ever had to make in my career, and it is not a decision I enjoy making. However, after much study, much thought and much prayer, I have come to the following conclusion: Either we are a Nation of laws or we are not, and if we are, then those laws have to apply equally to all people.

Our Declaration of Independence says it best. We hold these truths to be self-evident, that all men are created equal. In America there is no emperor, and there is no Praetorian guard. There is one standard of justice that applies equally to all, and to say or do otherwise will undermine the most sacred of all American principles. President Clinton has committed federal crimes, and there must be a reckoning or no American shall ever again be prosecuted for those same crimes.

There is one other important issue I would like to address, and that is the matter of trust. Lying to the American people is a betrayal of trust. All of us, including our public leaders, make mistakes. We are all subject to the same universal truth. We all fall short. To err is human, to forgive is divine. But one reaps what they sow. In other words, one reaps what they sow, and the pattern of deception and dishonesty that acts as a bodyguard for this President strikes at the very core of his ability to lead. It is a matter of trust.

Those close to the President say he cannot admit to lying for legal, political and personal reasons. Fear of future perjury, fear of future prosecution and fear of political consequence gives explanation, albeit little excuse for his denials. However, it is the President's assertion that he cannot tell the truth for personal reasons that is most troubling.

Mr. Speaker, as a nation after this is over, it will be difficult, but Americans have a great capacity to overcome the worst of times. This issue has distracted us and divided us, and now we must come together and move ahead to address the many domestic and foreign issues that require our serious and undivided attention.

Mr. Speaker, it is a great honor to represent the Fourth District of Texas in this Chamber, and I have tried to do so to the best of my abilities. I am grateful to all those in my district and in my state for their views are important to me—whether they agree with my decision or not. I am sorry for the President and for our country. This is both a personal tragedy and a national tragedy. Blame has been cast in all directions—toward the President, the Office of the Independent Counsel, and the Congress. I have heard from thousands of Americans during the course of this debate via telephone, letters, faxes, and e-mail. In the final analysis, I had to evaluate the evidence for myself, listen to my constituents, and then call it as I see it.

We must now see this through to closure—for better or worse—and we must pull together as a nation after this is over. It will be difficult, but Americans have a great capacity to overcome the worst of times. This issue has distracted us and divided us, and now we must come together and move ahead to address the many domestic and foreign issues that require our serious and undivided attention.

Mr. Speaker, it is a great honor to represent the Fourth District of Texas in this Chamber, and I have tried to do so to the best of my abilities. I am grateful to all those in my district who contacted me, and I hope they know that their views are important to me—whether they agree with my decision or not.

Ms. LOFGREN. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

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

Mr. Speaker, I am particularly disturbed to hear a speaker after a speaker come here and speak to the issue of obstruction of justice and suborning of perjury. Let us listen to the testimony come difficult times. This issue has distracted us and divided us, and now we must come together and move ahead to address the many domestic and foreign issues that require our serious and undivided attention.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. J. O. HNH).

Mr. J. O. HNH. Mr. Speaker, I entered the House of Representatives two years ago at the first oath of office to uphold the Constitution. The matter now before us constitutes the most significant test of that oath.
At all times I have done my best to evaluate if the allegations against the President threatened our constitutional process. I have said repeatedly in my remarks, publicly, that I believe the President’s actions were reprehensible, multitudinous, and despicable. I have stated that the President should not have allowed any of his reckless acts, however impeachment is not the appropriate punishment in this instance. Consequently, I am greatly dismayed that the full House will not be given the same opportunity presented to the Judiciary Committee to consider alternative forms of punishment such as impeachment and removal. Until the minimum, the Congress needs to make it clear to the American people that telling the truth does matter, that the President’s deeds will not go unpunished, and that he remains subject to prosecution in a court of law when he leaves office.

Mr. Speaker, that I will ultimately have to answer to my constituents after my vote on this matter. However, I will do so with a clear conscience knowing that I did what I thought was right, just, and in the best interest of our country.

Mr. Speaker, our Nation and our Constitution face its most solemn hour since the House of Representatives last triggered an impeachment against the President of the United States some 130 years ago. While the times have been difficult, the magnitude of the vote to remove the highest officer in our Nation has not.

We have learned from our past that impeachment cannot be guided by passion nor partisanship but by the facts, our laws, and our deep faith in the Constitution. For impeachment centers not on our political differences but instead must be determined by the constitutional standard of whether the President committed “treason, bribery, and other high crimes and misdemeanors.”

Minister, the better part of this year seeking to further understand what the Framers had in mind when they conceived this clause. As a result, I am convinced more than ever, Mr. Speaker, that the Framers’ impeachment clause empowers Congress with the ability to protect our citizens against an executive branch that grossly abuses its power by turning the arm of government against its citizens.

In 1974, the Judiciary Committee recognized this fundamental “abuse of power” when they impeached President Nixon. In 1998, Richard Nixon that involved his use of the Internal Revenue Service, the Central Intelligence Agency, and the Federal Bureau of Investigation against the citizenry. At the same time, Mr. Speaker, the impeachment of President Andrew Johnson itself proved to be an “abuse of Congress,” as Mr. Johnson was attacked more for his political convictions than his decision to oust a Cabinet member. Unfortunately, we now stand ready to drag our tired country through a protracted trial in the Senate for something which does not reach the threshold of an impeachable offense.

Let me be clear, the President should be held accountable for his recklessness. However, impeachment is not the punishment. Let us move on to the business of our Nation.

Mr. Speaker, the President’s actions were reprehensible, multitudinous, and despicable. I have stated that the President should not have allowed any of his reckless acts, however impeachment is not the appropriate punishment in this instance. Consequently, I am greatly dismayed that the full House will not be given the same opportunity presented to the Judiciary Committee to consider alternative forms of punishment such as impeachment and removal. Until the minimum, the Congress needs to make it clear to the American people that telling the truth does matter, that the President’s deeds will not go unpunished, and that he remains subject to prosecution in a court of law when he leaves office.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute and 20 seconds to the gentlewoman from New York (Ms. VELAZQUEZ).

Ms. VELAZQUEZ. Mr. Speaker, I rise today not only in opposition to these impeachment articles, but to express my outrage and sadness over a process driven not by fairness, but by a small minority obsessed with impeachment. Instead of putting politics aside and coming together in a bipartisan manner to do what is right for our Nation, today we begin the final steps in a process that, from the start, has never been about fairness. Rather, it has been to accomplish a predetermined result, to impeach the President of the United States.

No one is disputing that what the President did was wrong and he should be held accountable. That is why an overwhelming majority on both sides of the aisle want to vote on censure. But we will not be given the opportunity to vote on that today. To bar the entire body from that option is inexcusable. Mr. Speaker, I purposely refrain from this judgment because of what I was one of only 31 Democrats who voted to go on with the inquiry.

Mr. Speaker, I believe in the articles of impeachment. However, impeachment is not the punishment. Let us move on to the business of our Nation.

Mr. Speaker, the President’s actions were reprehensible, multitudinous, and despicable. I have stated that the President should not have allowed any of his reckless acts, however impeachment is not the appropriate punishment in this instance. Consequently, I am greatly dismayed that the full House will not be given the same opportunity presented to the Judiciary Committee to consider alternative forms of punishment such as impeachment and removal. Until the minimum, the Congress needs to make it clear to the American people that telling the truth does matter, that the President’s deeds will not go unpunished, and that he remains subject to prosecution in a court of law when he leaves office.

I know, Mr. Speaker, that I will ultimately have to answer to my constituents after my vote on this matter. However, I will do so with a clear conscience knowing that I did what I thought was right, just, and in the best interest of our country.

Ms. VELÁZQUEZ. Mr. Speaker, I rise today not only in opposition to these impeachment articles, but to express my outrage and sadness over a process driven not by fairness, but by a small minority obsessed with impeachment. Instead of putting politics aside and coming together in a bipartisan manner to do what is right for our Nation, today we begin the final steps in a process that, from the start, has never been about fairness. Rather, it has been to accomplish a predetermined result, to impeach the President of the United States.

No one is disputing that what the President did was wrong and he should be held accountable. That is why an overwhelming majority on both sides of the aisle want to vote on censure. But we will not be given the opportunity to vote on that today. To bar this body from that option is inexcusable and it is outrageous.

The majority has said that they are simply voting their conscience. But what about the conscience of the American people, who overwhelmingly said that the President should not be impeached, but be censured? I ask myself, how did this body get to the point where the conscience of so many Members is so different from the conscience of the American people?

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Rangel).

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

Mr. RANGEL. Mr. Speaker, I am asking as many as can that to reject the idea of voting for articles of impeachment, because 25 years ago I had the opportunity to serve in this body when the question of impeachment was seriously taken up, in 1974, and I can tell you that we may use the type of language that sounds as though we are working within the Constitution, but this procedure is not on the level.

Do you not think that as you keep talking about “no man is above the law,” do you not understand that no Member here is above the will of the people of the United States of America? Do you not know they respect the fact when they go vote, whether they vote for Republican or vote for a Democrat, they vote for a President of the United States?

You have no right to get rid of him by saying “the rule of law,” and then abuse the very rule that you.

Mr. McCOULUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. Bunning).

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

Mr. BUNNING. Mr. Speaker, I rise in support of the articles of impeachment.

December 18, 1998
Mr. Speaker, I rise in support of the Articles of Impeachment against President Clinton that have been recommended to the full House of Representatives by the Judiciary Committee.

By now, the charges against the President are known to everyone; perjury in a civil matter—the Jones case; perjury before a criminal grand jury; obstruction of justice; and, abuse of the power of the office of the presidency. These are grave and serious charges against the President, felonies in any court of law in our nation. As many have pointed out in recent months, impeachment, and declaring war, are the most important matters that we in the House can ever consider.

We are here today to debate impeachment, and under our Constitution the House has the sole power to impeach a President. And I do think that it’s important to keep in mind exactly what impeachment is. Voting to impeach the President is quite different from voting to remove him from office. If the House does impeach the President, it only means that we believe there is enough credible evidence to prove one or more of the charges against the President. That matter should then be sent on to the Senate. Then it is up to the other body to conduct a trial and to determine whether or not the President should be removed from office.

After studying this matter, I believe the evidence presented by the Independent Counsel, Ken Starr, to the House Committee and the Senate and the evidence presented by the President’s supporters has not rise to the level of “high crimes and misdemeanors” required by the Constitution to impeach the President; and, the process followed by the Judiciary Committee was not fair.

But, the essential evidence presented by the Independent Counsel in support of the charges in Article IV of Impeachment have not been refuted. The President’s supporters had numerous opportunities to knock down the facts during the Committee’s deliberations, or to provide exculpatory evidence of their own that would have cleared the President and disproved the charges made against him. But, in nearly thirty hours of argument against impeachment before the Judiciary Committee, the President’s defenders and lawyers were not able to dispel any of the damning evidence against him or provide anything new that would point toward his innocence.

The facts and the evidence stand unchallenged, and as such they strongly argue for impeachment.

When talking about impeachment, one of the principle arguments the President’s supporters have made is about poll numbers and the will of the people. They claim that since the President is popular among the American public and enjoys high poll numbers, he should not be impeached and should be left in office to complete his term.

It is true that the President is popular among Americans, and his poll numbers are strong. The public seems content and optimistic about the future, and they give the President a great deal of credit for the positive mood of our nation and our vibrant economy. But, we are a nation of laws, not polls. As elected representatives in a democracy, we as members of Congress do serve in large part to fulfill the will of the people. We have all been sent here not by the voters, but by the state legislatures. We listen to the voters. But, the matter before the House today is not simply a question of popular opinion; it is instead a question of constitutional duty.

Each member of Congress takes an oath and swears to uphold the Constitution when they take office. They do not swear to uphold the public opinion of the moment, or swear to follow the current fad. We all swore to uphold the fundamental principles that over the past two centuries have helped make America the greatest nation on Earth.

When the Constitution grants the power to impeach the President to the House of Representatives, there is no additional clause in the text that reads “only in times of high poll numbers” or “in times of low public esteem.” The question before us today is one we must address without concern for politics or popularity. Of course we must listen to the people, but being a public servant does not mean that we use none of our own judgment or ignore the duties we swore to uphold. Impeachment and other grave matters are not to be decided like popularity contests or beauty pageants.

Mr. Speaker, I will close by saying that I believe no one here today takes any joy in this process or in the votes we are going to cast soon. The past eleven months have hurt our nation and we need to begin to heal. But we cannot ignore our constitutional duty, and we cannot turn away from hard decisions. With a heavy heart, I will vote to impeach President Clinton.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER), a member of the Committee on the Judiciary.

Mr. BUYER. Mr. Speaker, these issues about whether Ms. Lewinsky, in her statement, the President never explicitly told her to lie, the President did not ask her to lie, and swore to faithfully execute the oath to tell the truth, the whole truth and nothing but the truth. In today’s debate, even the defenders of the President accept the fact that the President violated that oath in lying in a deposition in a Federal civil rights case, before a grand jury, and his sworn testimony before the Congress.

On two other occasions, the President placed one hand on a Bible, raised his right hand, and swore to faithfully execute the office of the President of the United States, and to the best of his ability to preserve, protect and defend the Constitution of the United States. The President’s conduct, lying under oath, obstructing justice, tampering with the witnesses, abusing power, in my view represents a violation of that oath as well.

The fact is the President sought to undermine the civil rights of a United States citizen, denying that citizen due process of law and her rights to equal protection under the law. These are undisputed facts.

If there is no consequence for the violation of an oath, then why have an oath? In violating his oath before the courts and the Congress, the President is guilty of perjury, a felony, a high crime; and in violating this oath of office, I believe the President has sacrificed his right to hold office. If the President conspired to undermine the constitutional rights of a single citizen, that act erodes the constitutional rights of every citizen.

It is a tragic situation, but, like most tragic situations, responsibilities lie not at the feet of others. It does not lie at the feet of Paula Jones or Monica...
Lewinsky or Kathleen Willey or Judge Starr or Majority Counsel Schippers or Majority Whip Delay or Speaker Gingrich or Speaker elect Livingston or Chairman Hyde. The responsibility lies at the feet of William J. Jefferson Clinton, the body, the accountability and so must the consequences.

For that reason, I will cast my vote "yes" on at least three of the articles of impeachment.

Mr. McCollum. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. Weldon).

Mr. Weldon of Florida. Mr. Speaker, several people on the minority side have risen today and quoted the scripture, "Judge not, that you not be judged."

Careful reading of this scripture makes it quite clear that the message is not that we should never judge or exercise judgment. Most scholars interpret this verse of scripture to mean that we should not condemn others for their faults and that we should forgive those who offend us.

It has never been proposed by any reasonable person that this verse of scripture asserts that we are to let criminals go free or that our laws should not be upheld.

Bill Clinton is not being judged by the Members here as much as he is being judged by the law itself. The preamble to the Constitution tells us that the Constitution was created for, among other reasons, to establish justice. To blithely forgive or ignore these offenses is to make a mockery of justice.

Our laws state that to lie under oath, to encourage others to provide false testimony or to conspire to conceal evidence is a felony punishable by imprisonment.

Indeed, the committee took testimony from two individuals who lied about sex before a grand jury. One received house arrest, the other actually went to jail. Every year in America, people go to jail for committing perjury.

The Democrats wrote the statute creating the office of the Independent Counsel and Janet Reno authorized the expansion of the investigation into the matters before us. The findings indicate felony offenses that could send the average American to jail.

President Clinton, when he signed the reauthorization of the Independent Counsel Act in 1993 said that the act would "guarantee the integrity of public officials and ensure that no one is above the law." To ensure that no one is above the law, the resolution must be approved and sent to the Senate for trial.

Ms. Lofgren. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. Neal).

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding. In response to my friend, the gentleman from Indiana (Mr. Buyer), let the Record be clear. When Monica Lewinsky was confronted by Ken Starr in her proffer, she clearly and unequivocally stated that neither the President nor anyone in her behalf ever asked her to lie, and that is the evidence. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. Neal).

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

Mr. Neal of Massachusetts. Mr. Speaker, we are here tonight with this issue tonight, we are all a bit uncertain about what this is all about, but we know what it is not about. It is not Watergate, it is certainly not Iran-Contra, and astonishingly enough, after the expenditure of $56 million and an investigation that lasted longer than the Civil War, it is not about Whitewater.

Contrast the way the Republican leadership has handled this issue with the way Tip O'Neill handled Iran-Contra, where we decided never to put the Nation through a trial when he knew Ronald Reagan would never be removed from office.

What we have seen in this Congress really is the occurrence of 2 things: One, the rise of the Intimidator Caucus on the Republican side where they have intimidated moderate Republicans into voting for this impeachment proceeding. Secondly, we ask ourselves tonight, whatever happened to moderate Republicans?

Ms. Lofgren. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. Clyburn).

Mr. Clyburn. Mr. Speaker, let me begin by associating myself with the statement made earlier today by the gentleman from Illinois (Mr. Jackson).

Mr. Speaker, my decision to vote against the resolution to impeach President Clinton is grounded in the words of the Constitution itself. According to the Constitution, the President is to be impeached for treason, bribery, or other high crimes and misdemeanors. Nowhere in the Constitution does it say any or all crimes and misdemeanors.

In November, the gentleman from Virginia (Mr. Scott) specifically asked a panel of historians and constitutional scholars appearing before the committee, "Does the phrase 'bribery, treason and other high crimes and misdemeanors' cover all felonies? These scholars unanimously answered with a resounding no.

It follows from their answers and from the very words of the Constitution, Mr. Speaker, that a President can be guilty of a felony and still not be impeachable. So the real question then is, what felonies fall under the phrase, "high crimes and misdemeanors?" I do not know. And as of today, none of us know. Nobody knows. But we do know one thing. When this question came before the House in 1974 during the impeachment proceedings against President Richard Nixon, the answer was that lying under oath is not one of them. The Committee on the Judicial Committee, Mr. Speaker, that the bipartisan vote the charges against President Nixon for lying on his income taxes to the tune of $500,000 were not impeachable.

It follows, then, that if we obey the dictates of the Constitution, if we accept the testimony of experts, and if we follow the precedent of this body, we must vote against impeachment. A vote for impeachment flies in the face of history, ignores constitutional standards, and significantly lowers the bar for future impeachment proceedings.

Ms. Lofgren. Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee (Mr. Tanner).

Mr. Tanner. Mr. Speaker, many Members have spoken from the heart and out of their conscience on either side of this issue today, and I want to talk about the procedure, because I am deeply troubled by the procedure that we are following here today on the House floor.

This has been a very divisive issue in our country about what should be done. People of just as good will as any of us in this room, people who have the same purity of motive that we all claim for ourselves, and who have exercised that, and people who are just as patriotic as any one of us, have reached a different conclusion in the country about what should be done.

Now, we are not being allowed a vote on censure tonight. Let me read in the Constitution what it says: "Judgment in cases of impeachment shall not extend further than to removal from office," et cetera. It says nothing about censure; it says nothing about prohibiting a President from defending himself or our country about what should be done.

It follows, then, that if we obey the dictates of the Constitution, if we accept the testimony of experts, and if we follow the precedent of this body, we must vote against impeachment. A vote for impeachment flies in the face of history, ignores constitutional standards, and significantly lowers the bar for future impeachment proceedings.
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truth and nothing but the truth.''
That oath did not say he was al-
right to enforce his 5th Amendment right not to
mony was requested. The President had the
President is not above the law, but subject to
standard as everyone else in the country and
decision on the facts of the case.
the President's policies. I have had to struggle
it over to the next generation of leaders, this
upon the rule of law and not the rule of men.
our nation in government service, are but tem-
porary caretakers of the people's trust. Be-
or of those who have preceded us in serving
founded, we agreed to a government based
It is a heritage that has endured for more than
ferences that are settled in the democratic
light in the world from a dictatorship.
It is our Constitution and rule of law which
those are political differences, dif-
Contrary to what many of my friends on the
leagues on the other side use a political
ancy that I have had to struggle with myself to ensure that I am basing my de-
What are the facts of the case?
The President was involved in a civil case in
in which the U.S. Supreme Court unanimously
that he was to be held to the same standard as everyone else in the country and
must respond to the suit in a court of law
while he was in office. The court ruled that the
President is not above the law, but subject to
it like everyone else in the country.
During that case, President Clinton's testi-
mony was requested. The President had the
right to enforce his 5th Amendment right not to
testify if it would incriminate him. However, he
chose to provide testimony. And when he tes-
tified, he swore "to tell the truth, the whole
truth and nothing but the truth." That oath did
not say he was allowed to tell
that part of the truth which would not be
personally embarrassing.
The oath was "to tell the truth, the whole
truth and nothing but the truth."
The Judiciary Committee report clearly lays
out the facts of President William Jefferson Clinton broke or ignored this oath
when he gave his sworn deposition last Janu-
ary, when he gave sworn testimony before a
federal grand jury in August, and when he
gave sworn answers to the questions of the
Judiciary Committee last month.
The case is clear that President Clinton
broke the law.
Now we must ask ourselves, "Can we igno-
re his crimes?"
I believe that we would be setting a very
bad and extremely dangerous precedent if we
ignore it. We would be saying that as long as
a president is popular, he can commit major
crimes, undermine our shared legal system
and remain in office using the vast powers of
his presidency. In effect, we would be saying
that the President is above the law. We would
be a nation of laws with a leader who could
break the laws.
Some of my colleagues on the other side of
the aisle have argued that the President's of-
fenses do not rise to the level of the high
crimes and misdemeanors outlined by our
Founding Fathers. They say that any crimes
which are committed must be committed
against the State before an impeachable of-
fense takes place.
Mr. Speaker, I am here to say that lying
under oath in a civil case is a crime against
the State. Lying under oath to a federal grand
jury is a crime against the State. Obstructing
justice and tampering with witnesses are
crimes against the State. Obstructing the
Congress by submitting false answers to the
Judiciary Committee's 81 questions is a crime
against the State. These crimes undermine our
entire system of justice, which will crumble into
ruins if we allow people to lie after they have sworn
to tell the truth, the whole truth and nothing but
the truth.
Contrary to what many of my friends on the
other side of the aisle claim, the framers did
consider perjury an impeachable offense. The
term impeachment comes directly from
English law, and the framers of our Constitu-
tion used the exact same definition as found
in Blackstone's English treatise when they
used the phrase "high crimes and mis-
deemeanors." Yet, Blackstone was even more
exact in his definition by listing 22 specific of-
fenses that constituted "high crimes." False
testimony under oath to a civil or criminal
prosecution was one such offense.
It would also be very dangerous if our laws
would only apply according to the whims of
popular support.
The Constitution and the rule of law for
the foundation of our country. Simply because
things are going well now is no reason to un-
dermine this foundation. Because we need
this foundation to be strong during times of cri-
sis—when things are not going well.
We will have future crises that our
nation must weather. We will have times that
our economy turns downward, sometimes se-
verely. We will have times of violent domestic
unrest.
We need the foundation of our country to
be strong if we are to weather those rough times.
It is our Constitution and rule of law which
separates us as a democracy and beacon of
light in the world from a dictatorship.
The truth is the truth. It is not subject to a
popularity poll. The truth must be upheld in
our country. A President who cannot tell the
truth and respect the rule of law cannot be
allowed to continue in office. The President
should have resigned his office long ago, but
he decided not to vote their way, as if we are
somehow being pressured. I would chal-
lenge anyone on this floor to name the
moderates who have come to you and
said, we have been pressured. I, for one,
and my colleagues I have spoken to
have said this is a vote of conscience and
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yours.
He admits he had sexual relations, but insists he was telling the truth when he said he didn't.
There has been speculation among members of this body in recent days that if the President would just confess to perjury, that we should drop these impeachment proceedings, issue a formal censure, and let the matter drop.

While I disagree with this proposal, I fully empathize with the sentiments behind it. Members of this body, myself included, do not want to impeach Mr. Clinton or any President. We are grasping for plausible reasons to vote against impeachment—and we aren't finding any.

For what really troubles the majority of this House is that the President doesn't recognize the truth. For many members, if they were only assured that Mr. Clinton was capable of knowing when he was or wasn't lying, they would be willing to let him off the hook.
They beg him: admit to perjury, perjury that even a child can recognize. We'll forgive your indiscretion, and give you a second chance to earn the trust of the nation. They do that because we must have assurances as to whether or not we can reasonably expect the President to tell the truth after this is over.

For he remains incapable of recognizing that he lied under oath to begin with.
The President has established a principle in his mind that the truth is a technicality, dependent on wording.
He has held throughout his testimony that if he convinces himself that he is telling the truth, it doesn't matter if he lies. If he carefully couches his statement in semantic deceptions, and then buries the issue with the White House "spin machine," the truth has been served.

Consider the questions and answers of recent months: Did you have sexual relations with Monica Lewinsky? Answer: Not yes or no, but "You are free to infer that my testimony is that I did not have sexual relations, as I understood this term to be defined."

We now know the truth, but only because of a blue dress that says he lied. He still doesn't recognize the truth.
Why is it essential for a President to recognize the truth?
Consider this question and answer, also from recent months: Did you authorize the transfer of missile technology to the Red Chinese Army in exchange for campaign contributions? Answer: Once again, not yes or no, but "No one can prove there was a quid pro quo of missile technology for cash."

Why not a simple yes or no? Could it be for the same reasons as in this case before us today? How can we know? Is the President lying through semantic contortions again, with life-and-death consequences for millions of Americans, and perhaps even the continued survival of our Nation at stake?
The truth is, we don't know, and we can't know, because there is no blue dress.

Consider this question and answer, from just yesterday: Did you order air strikes against Iraq to influence these impeachment hearings? Answer: "I don't believe any serious person would believe that Secretary Cohen, General Shelton, and the whole rest of the national security team would participate in such an action."
We're not concerned with the motives of the national security team; we're concerned with the motives of the President, and once again, do we have an answer that we, or the world, can trust?

These are the reasons the Founders left it to us to define impeachable offenses. Is perjury in a civil lawsuit grounds for impeachment? It depends on the particulars of the case.

This case clearly exhibits that this President cannot be entrusted with the security or well-being of the United States, evidenced by his inherent inability to acknowledge the existence of truth, even under oath in a federal court. Would we allow a person with this proven inability to serve as Chief of Staff to our Armed Forces? Absolutely not. Then how can we tolerate it in a Commander-in-Chief? If we cannot trust Mr. Clinton as Commander-in-Chief, he can no longer perform the duties necessary as President.
Mr. Speaker, fellow Members of the House, we need to forget parties and loyalties, and vote for the future and safety of the Republic. The Founders left us this discretion for the very reasons we face today.
In conclusion, let me quote the President once more, but this time from 1974, when the nation was last going through this agony.
"There is no question that an admission of making false statements to government officials and interfering with the FBI is an impeachable offense. If a President of the United States ever lied to the American people, HE SHOULD RESIGN."

Mr. President, do not put America through this, do not put your countrymen through this, do not put this Congress through this ordeal. Heed your own words and resign, because it is the right thing to do.
My fellow members, we must do the right thing as well, because it is our duty. We must ensure that this ordeal is never repeated by a future President who is led to believe by our actions that they can repeat these offenses and get away with it.
Vote for a full trial in the Senate. Do your duty.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Hyde) for his remarks. His words brought tears to my eyes and moved me as no words I have heard in my 25 years of legislative service. I thank him for reminding us all of the defining principles that form the bedrock of our free society and our system of government under the rule of law.

Now, regarding our fighting men and women in the Gulf and the timing of this debate, I say to my colleagues, there was a large protest rally against impeachment on the West Front of the Capitol yesterday afternoon. Many of the members of the minority party attended and spoke at that rally. It was the right of all to attend and to raise their voices.
No one would suggest that the exercise of democracy outside this Chamber denigrated the men and women of our Armed Forces in combat in the
15 seconds to the gentlewoman from Pennsylvania (Ms. DOYLE) asked and was given permission to revise and extend her remarks. 

Ms. DOYLE. Mr. Speaker, I rise to address these articles of impeachment and the magnitude of what our actions today portend, not only for the office of the presidency and the institutional integrity of the House, but for the well-being of our country.

In my estimation, while the President’s misconduct in this matter is both reprehensible and indefensible, it does not rise to the threshold of impeachable offenses, as drafted by our Founding Fathers.

Without question, the impeachment provisions of the Constitution were drafted in word and spirit to provide recourse for crimes committed against the State. Treason, bribery, or other high crimes and misdemeanors cannot be indicated with the allegations outlined in the Starr referral. We must not allow the historical context and inherent meaning of the Constitution to be submerged by political passion and rhetoric.

This is not to say that the President’s misconduct does not deserve condemnation. It does. Thus, I am profoundly disappointed that the Republican leadership has thwarted consideration of a formal censure of the President.

Mr. Speaker, for all of the above reasons, I urge my colleagues to vote no on the articles of impeachment, and instead, support a strong and severe censure.

Mr. Speaker, I rise to address these articles of impeachment, and the magnitude of what our actions today portend not only for the office of the Presidency and the institutional integrity of the House, but for the well-being of our country.

As a result of the President’s own conduct, the Senate the question of whether this President to inflicting unwarranted distress on the entire country. In my view, our actions today portend not only for the office of the presidency, but for the well-being of our country.

Without question, the impeachment provisions of the Constitution were drafted in word and spirit to provide recourse for crimes committed against the State. Treason, bribery, or other high crimes and misdemeanors cannot be indicated with the allegations outlined in the Starr referral. We must not allow the historical context and inherent meaning of the Constitution to be submerged by political passion and rhetoric.

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Mr. Speaker, for all of the above reasons, I urge my colleagues on both sides of the aisle to vote no on all articles of impeachment, and instead support a strong and severe censure resolution.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. Pascrell).

Mr. PASCRELL asked and was given permission to revise and extend his remarks.

Mr. PASCRELL. Mr. Speaker, I have not, to this point, formally announced how I would vote on the four articles of impeachment. In reaching my decision, I have weighed not only my constitutional duty and this President’s fate, but I have weighed what vote is the right vote for the United States. I have concluded that this president can and should continue in office for the remainder of his elected term.

In this famous passage in the Federalist 65, Alexander Hamilton, who authored the famed series of papers, said, this modern day, who founded the town I am from, Patterson, New Jersey, I am a patriot, too, Hamilton stated that a partisan impeachment “threatened to agitate the passions of the whole community, to divide it into parties, to connect itself with preexisting factions... and to enlist their animosities, their partialities, their influence and interest.”

Ironically, our colleague on the other side, the gentleman from Georgia (Mr. Linder) echoed Hamilton’s warnings a few months ago when he said, and please remember what he said, one party cannot impeach the other party’s president. He said it, Members heard it. I ask them not to do what they are being asked to do.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Meeks).

Mr. MEEKS of New York. Mr. Speaker, I yield to the gentleman from Georgia (Mr. Linder), who is now quoting the Constitution.

LINDER. Mr. Speaker, the gentleman from Georgia (Mr. Linder) echoed Hamilton’s warnings a few months ago when he said, and please remember what he said, one party cannot impeach the other party’s president. He said it, Members heard it. I ask them not to do what they are being asked to do.

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I intend to vote against each of these articles of impeachment. My reasons are neither partisan, nor do they reflect my distaste and dissatisfaction with the President's behavior. Instead, my votes are a protest against an unfair process. The inequities of the impeachment process have been glaring. The Republicans started with Whitewater, and they found nothing. Ken Starr then went to Travelgate, he found nothing. He looked at Filegate, he found nothing. He was given this from the J justice Department. He never released documents.

In fact, he made no effort to publicly admit to the lack of evidence against the President. Instead, he developed relationships with the J ones legal team, and withheld this information from the J Department. Rather than disclosing this bias to the proper parties, Mr. Starr was now working in cahoots with Jones, Linda Tripp, and others to set up the President.

When we are here is not a prosecution, it is a persecution. Indeed, it is a political lynching. The Republicans have had no agenda for over a year, and with this act today, they are signaling they have no agenda for the future. They are working together in a bipartisan manner on issues. The people want censure and move on.

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

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

Mr. GOODLATTE. Mr. Speaker, it is a somber day as we consider articles of impeachment against the President of the United States. As the chief law enforcement officer of the Nation, it is incumbent upon the President to uphold the laws and remain faithful to the Constitution. The question before the Congress is whether the President intentionally misled our judicial system and the American people as part of a calculated, ongoing effort to conceal the facts and the truth, and to deny an average citizen her day in court in a sexual harassment lawsuit.

Did the President betray the public trust by perjuring himself before a Federal grand jury and obstructing justice? Virtually every public official in America, including our Nation's Governors and virtually everyone in private employment, would lose their job if they committed perjury or obstructed justice. In fact, many already have. The Committee on the Judiciary heard from average Americans who have suffered these consequences and even incarceration because they committed perjury.

Millions of law-abiding Americans from all walks of life, including my constituents, put in an honest day's work, follow the rules, and struggle to teach their children respect for the law and the importance of integrity.

When a factory worker or a doctor or a retiree breaks the law, they do so with the knowledge that they are not above the law. This same principle must also apply to the most powerful in our Nation, including the President of the United States. To lose this principle deprives our Nation of a legacy entrusted to us by our Founding Fathers, and protected for us by generations of Americans.

Articles I and II deal with perjury before a Federal civil grand jury and in a civil deposition. In this proceeding, Mr. Starr would like to particularly call to the attention of the Members Article III dealing with obstruction of justice.

The evidence shows that the President corruptly encouraged a witness in a Federal civil rights action to execute a sworn affidavit in that proceeding that he knew to be perjurious, false, and misleading.

The evidence shows that the President corruptly engaged in and encouraged or supported a scheme to conceal perjurious, false, and misleading testimony if and when called to testify personally in that proceeding.

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In this case, we are concerned with the President's role in the Monica Lewinsky affair.

I have a constitutional duty to follow the truth wherever it leads. The truth in this case leads me to believe that the President knowingly engaged in a calculated pattern of lies, deceit, and delay in order to mislead the American people, impede the search for truth, deny the right of his accuser to have a fair day in court, and protect himself from criminal prosecution. Therefore, I have no alternative but to support articles of impeachment against President Clinton.

Mr. Speaker, we must ask ourselves what the President's failure to uphold the rule of law says to the Nation, and most especially to our children, who must trust us to leave them a civilized Nation where justice is respected. It is for them and for their future that we must act.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. HILLIARD).

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

Mr. HILLIARD. Mr. Speaker, I rise to oppose the Articles of Impeachment against the President of the United States.

The acts in which President Clinton engaged with Miss Lewinsky may have been morally wrong, but they were not illegal.

Whatever occurred between the President and Miss Lewinsky, the facts are uncontested and indisputable—there was no penetration of her sexual organ by his sexual organ—therefore, there was no sexual intercourse. When the President said that he did not have sex with that woman—he did not lie. President Clinton, along with other southerners, commonly defines sex or sexual relations as sex without penetration or coitus. He did not lie because he did not have sexual intercourse with Miss Lewinsky. Consequently, there is no legal basis for perjury, and certainly no basis for impeachment.

I am grounded in Christian values and have been, from the age of one, involved in my church in various capacities, such as Sunday school teacher, Chairman of the Trustee Board, and a Deacon. I have learned and been taught that if one sins, only God can forgive him. Sin is breaking God's laws as set out in the Ten Commandments. These laws pertain to morality, not legality. Because I am not a God, I am not in a position to judge the President. I leave that task to be dealt with by him and his God.

I strongly feel that these impeachment proceedings, from the beginning, have been too partisan to be objective. Feelings of hatred for President Clinton have been evident since Independent Counsel Starr was appointed to investigate matters totally unrelated to any of the alleged acts which are the basis of these proceedings. This is a political persecution of a President based on his views and his level of success as a President. I feel that the atmosphere the Republicans have tried to create has been solely for the purpose of presiding the President to resign. This cannot be condoned nor tolerated by me or any other Member of Congress! We should never let a party use its numbers, power, or influence to hound a popularly elected president out of office.

I truly believe that history will support the fact that President Clinton's alleged acts did not rise to the level of impeachable offenses as contemplated by the Founding Fathers. We are to protect the integrity of the Constitution at all times and in all ways—no matter how difficult or messy a situation gets. I feel that in this instance the Republicans have used Kenneth Starr, their numbers and power in the House and Senate, and influence in the media to create a so-called Constitutional crisis. They have tried to make the President's least effective in carrying out his duties and have tried to defeat him in Congress, through these impeachment proceedings. This is nothing more than an attempt to do in Congress what they could not do at the ballot box. Therefore, I adamantly oppose the articles of impeachment against the President of the United States and will vote against each and every one.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. MEEHAN). Mr. MEEHAN. Mr. Speaker, to go back to the last speaker, let me refer to Monica Lewinsky's grand jury testimony: "No one asked me to lie, no one offered me a job for my silence."

Do not impeach a president because of guesswork, or inferences, or what he might have said, what he could have said, who might have said something. That is the evidence. You do not impeach a president based on this lack of evidence.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from New York (Mr. Nadler).
Mr. NADLER, Mr. Speaker, again, referring to the last gentleman, repeatedly saying an untruth does not make it true.

I will remind the gentleman, the judge ruled that the Monica Lewinsky affair was not material to the Jones case, and the President consequently did not deny her her day in court. Every prosecutor who came before the committee said there was not sufficient evidence for any of these perjury allegations.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I was one of the few Democrats to have voted for the Republican-sponsored impeachment inquiry, but I rise today to urge my colleagues to vote no on all four impeachment articles. The President had an immoral and reckless sexual relationship with a subordinate government employee. The President then lied about it under oath and to the American people.

But we take an oath as well. We swear to uphold the Constitution, so help us God. The great Founding Fathers, on whose shoulders we stand, would have impeached a president over charges not related to the President’s official duty to protect the national security and interests of the United States.

This vote is not about whether Mr. Clinton is subject to the Nation’s laws, as has been suggested. Of course he is. Mr. Clinton may still be prosecuted and convicted of criminal wrongdoing when he leaves office, because the President should not be above the law.

We are all deeply disappointed with his conduct, but Congress has no constitutional basis to impeach and remove the President over this type of illegal activity. In fact, no matter how strong our desire to punish the President or to condemn his behavior, our constitutional duty requires us to determine the answer to one question only, has the President committed treason, bribery, or other such high crimes. The answer to that question is no.

The American people and the Members of this House have heard an awful lot about this sad affair, but perhaps we have not heard enough from the people who would not tell the majority what they want to hear, but rather, what they need to know.

No one in this House has received direct testimony from the principal players directly involved. For example, after talking to the gentleman from Florida (Mr. MCCOLLUM) about his particular concern that Betty Currie was used by the President to obstruct justice, a concern which I shared, I asked Betty Currie in the oval office this week directly about my concerns. Unlike the Members of this House, I was able to gauge her credibility. I found her believable.

Her perspective on what occurred is very much different than what we have been led to believe. She suggests what we are doing is horribly wrong, but she was never called to testify before us. We must accept Mr. Starr’s report with no independent congressional fact-finding.

It is wrong for the Republican leadership to oppose a harsh censure resolution precisely because they know it would pass. Alexander Hamilton said that the danger of a partisan impeachment regulated by the comparative strengths of political parties is wrong.

I know what we are doing. Motets in defense of the presidency and our Constitution.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I rise to point out that the citizens of the 7th congressional district and the American people are being treated unfairly. They are being denied the opportunity for their representatives to vote for censure which will allow the country to move on, begin a healing process which we all believe is necessary.

Unfortunately, this unfairness is not new. It is typical of the whole process. It is so unfair that we can only speculate at the reason a surrogate is the presiding officer for this momentous procedure. It is too important in importance to a declaration of war. The fact that neither the gentleman from Georgia (Mr. GINGRICH) nor the gentleman from Louisiana (Mr. LIVINGSTON) is presiding today speaks volumes about the leadership of the House at this historic moment. The lack of leadership reminds me of Pontius Pilate who washed his hands at the crucifixion.

Make no mistake, the President’s acts should be condemned by the House, but to move to the level of an impeachable offense, the impeachment of the President without the support of the public will be extremely devious.

History has shown us that the wounds of the 1864 impeachment took decades to heal. It took 100 years before we had the Civil Rights Voting Act in this House. I think it is clear the people want justice but not the kind of justice you are eager to vote for. I urge you to reconsider your ill-advised actions and allow the House to have a fair vote that includes censure.

Mr. Speaker, I include the following for the RECORD:

H11902

CONGRESSIONAL RECORD – HOUSE

December 18, 1998


Hon. Jim McDERMOTT, House of Representatives, Capitol Hill, Washington, D.C.

Dear Representative McDERMOTT: Thank you so much for declaring your intention to vote no on impeachment.

At one level I understand this to just be “following the party line”, but (and I have all the Washington state Republican representatives), more broadly I hope that you share my internal conviction that, legalese aside, the entire affair is simply doesn’t rise to the level of “high crimes and misdemeanors”. There has been no threat to the government, no clandestine arrangement with foes or allies of the President. No one (including Mr. Clinton) argues that his behavior was proper, but only zealots seem to think it’s an impeachable offense.

The same can not be said for the activities of the House Leadership, which seems to me to have brazenly used the press to choreograph the entire process, frame the discussion and now (so we read) threaten “dire consequences” for anyone who votes against the President. For example, Seattle, this black-and-white, do-as-we-tell-you approach doesn’t seem much different from stories we used to hear about “rubber stamp” governments in the former Soviet Union.

I realize that there is a clash of cultures here—Professor George Lakoff at Berkeley has uncovered a relationship between people who vote Republican and those who prefer Democrats, based on their perception of “family values”. Republicans favor the “strong father/single decision-maker” model of the family, while Democrats think of the family in terms of all its members. Hillary’s “It Takes a Village” view thus resonates with her supporters. Since these images are formed in our early years they tend to be inseparable from what we “instinctively” feel is right in later life. Deborah Tannen has shown that men and women live in different cultures, so too do Republicans and Democrats.

One would think that Mr. Livingston might have learned something from the last election, but perhaps he continues to believe that constituents like myself are the exception. My facts are such that nationally 60% of the public wants Congress to vote for censure and “move on”. Your mail ratio may be somewhat different—certainly the Religious Right and the Clinton haters see this as a chance to advance their causes. But I know from having just talked to four of my friends that all of us have exactly the same opinion, yet 80% of this group felt that The Republicans were going to do whatever they liked, and that it was just a waste of time to even write. From my perspective, this attitude is a far deeper stain on our country than the one on the dress.

I am a political activist, but I do feel strongly about my responsibility as an American citizen to raise my hand and say “Stop” when I see such a blatant, run-away abuse of power. I’m not saying that the President has done no wrong—even he admits his errors. But is covering up an extramarital affair truly the kind of “high crime and misdemeanor” the Constitution had in mind? You know the historical facts—Clinton is not the first president to engage in such activity. “Ah, but it’s not the act, it’s the cover-up,” they say, is not a good thing, so I’m willing to let any Congressmen who has never told a lie vote accordingly. But to me there is an enormous difference between supporting funds for Iran-Contra fighters (which might have involved us in a war) and lying about having sex in the Oval Office. It doesn’t take a PhD from Harvard to figure that out.

Neither am I a Biblical scholar (I don’t even go to church), but the vote on Thursday seems to come right out of the Old and New Testaments: there are the self-righteous Pharisees, couching their actions in the letter of the law, and, I hope, a larger number of those who remember “do unto others as you would have them do unto you”. In the struggle. Four hundred some people get to “play God” with the fate of our Nation’s
highest elected leader. I hope they think long and hard about that, and seek God's guidance, not Mr. Livingston's, before they assume the role of Jack Ruby and pull the trigger. The right way to get it over is to have a severe rebuke of the President, to bring him here, censure him in such a way that it will stain his legacy forever, but not leave a stain, not leave a precedent that will weaken future presidents or a precedent for Article II section 4 that will be unprecedented in history.

Is there a sense of "Well, it doesn't really matter—this is just a procedural vote—it's up to the Senate"? I would hope not—what an irresponsible way to set for our citizens. Yet I understand the enormous pressure that has been unfairly placed on the collective Republican shoulders, so if you can think of anything to do to encourage them, I would hope you would do so. Perhaps you can point out the opportunity to rise to the level of Statesmen that few people ever attain, or to recall whom it is that History remembers from the Andrew Johnson impeachment proceedings. Then again, what we tell our children when they have to deal with peer-pressure situations is to "just say No." That is my appeal as well: just say No.

Sincerely,

JAMES A. VAN ZEE.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, I do not rise to defend the President's conduct. It was wrong, and months of deceit only made it worse. But that still leaves the question, was the conduct of such enormity that it can be compared to bribery or treason?

I followed the hearings. I read the report last night. I have listened to the debate today. I do not think this case meets constitutional requirements. I come down on the side of President Ford and Senator Dole. I think President Clinton should be censured, censured severely, and the censure should be imposed right here in the well of the House. The President should be carded and our rebuke read to him before the Congress, the cabinet, and the whole country.

So given the chance, I will vote to censure but not to impeach, not to inflict a remedy so extreme that it has been invoked only twice in 210 years, and used only once to remove a president.

The majority argues that Articles of Impeachment are the best form of censure. The problem with their argument is that a resolution of impeachment in the House requires a trial in the Senate. And it could be a pointless trial, as the majority well knows, because there is little chance that two-thirds of the Senate will vote to convict. We could vote today, right now, on censure; pass it by a wide margin and carry it out. But the majority would have a trial, and have this cloud hang over the next Congress, as it has this Congress.

The President's conduct was reprehensible, but the Constitution requires more than reprehensible conduct before 67 members of the Senate can remove a President elected by 60 million people. To impeach, the Constitution requires in Article II, Section 4 that Congress must find "Bribery, Treason, or other high Crimes and Misdemeanors." These words are so open-ended that some say the question comes down to "common sense," but the Constitution requires more than reasonable conduct impeachable? I have followed the hearings and read the report, and I come down on the side of President Ford and Senator Dole: I think President Clinton should be severely censured; and the censure should be imposed here in the well of the House. The President should be called to this spot, and our rebuke read to him before the Congress, the cabinet, and the whole country.

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Finally, five former federal prosecutors told the committee that federal prosecutors do not use the criminal process in connection with civil litigation. Edward Dennis explained that "prosecutors are justifiably concerned about bad publicity that is taking the side of one private party against another," and William F. Weld, the former Republican Governor of Massachusetts, who ran the Criminal Division of the Justice Department during the Reagan Administration, told the committee that in the Reagan Administration "it was not the policy of the Justice Department to seek an indictment based solely on evidence that a defendant has falsely denied committing adultery or fornication."

We cannot dismiss the gravity of lying under oath, especially by our President. But before we impeach and remove him from office, we should note the subject of his testimony. It was about personal and not official conduct. In a law suit dismissed by summary
judgment and later settled, it is not likely that an ordinary citizen would be prosecuted for such testimony. I do not condone the President’s evasive and dissembling answers, but I am reluctant to impeach him for an offense that would probably not cause an ordinary citizen to be prosecuted.

If testimony in his deposition was not indictable, of course, the President should not have been called before the grand jury. But he was called, and according to the Independent Counsel, he perjured himself in three respects:

First, by stating that his relationship with Monica Lewinsky began in February 1996 rather than November 1995. To this, the President’s counsel points out that the Independent Counsel gives no proof for his contention that the President avoided the earlier date because Ms. Lewinsky was then an intern and chose the later date because she was then an employee. Counsel argues that, in any event, no judge or jury would find such a discrepancy material.

Second, by stating that he believed oral sex was not covered by the definition of “sexual relations” approved by Judge White when his deposition was taken. But the President admitted to the grand jury the key fact: he had oral sex with Monica Lewinsky. He continued to argue that “oral sex” was outside the judge’s definition. This argument may be tenuous but it was an argument over semantics rather than facts.

Third, by saying that he had not engaged in certain types of sexual conduct in order to keep his grand jury testimony consistent with his deposition. The President’s sex with Monica Lewinsky probably was “reciprocal.” He probably did touch her in ways he did not admit. To this, the President’s counsel raised one question for every member to ask: “Am I prepared to impeach the President because, after having admitted he engaged in egregiously wrongful conduct, he falsely described the particulars of that conduct?”

Let’s dismiss all of the above and assume that parts of the President’s deposition were false and material to Paula Jones’s suit. Two distinguished professors of law—Ronald Albers of Duke Law School (called by the majority) and James Hamilton (called by the minority)—testified that even so, these were “low crimes,” not the high crimes comparable to crimes upon which the Constitution requires for impeachment.

There are two remaining articles. One charges obstruction of justice, but in the words of Governor Weld, the case is “thin.” The President lied to the public and to his staff and cabinet, but the proof stops short of showing that he obstructed justice. The President himself told the grand jury that no one asked her to lie or promised her a job if she remained silent. The other article charges abuse of power. It may be the most troubling of the articles, especially from the President’s point of view. It requires for impeachment.

President Clinton deserves censure. But as sordid and disgraceful as his conduct has been, it does not rise, in my humble opinion, to a “high crime” like bribery or treason. Not just for his sake, but for the sake of the presidency, we should not impeach on the facts before us. We have an option; we can rebuke this president and leave a black stain on his legacy, without risking the constitutional balance of power. That is why censure is the proper choice.

Mr. SENSENBERGER. Mr. Speaker, I yield myself 1½ minutes. Mr. Speaker, we have heard an awful lot about the transactions relative to what the President said at the deposition in the Paula Jones lawsuit relating to Monica Lewinsky’s affidavit. It is amazing to me that the members who nodded their heads and thumbed on denouncing what the gentleman from Virginia (Mr. Goodlatte) said have read page 63 of the committee report. I shall do so.

After reading from the affidavit out loud, the President’s attorney, Mr. Bennett, asked the President, is that a true and accurate statement as far as you know it? The President answered, that is absolutely true.

That is at page 204 of the deposition of President Clinton in the case of Jones versus Clinton.

During the same deposition, Robert Bennett, the President’s attorney, stated, Counsel is fully aware that Ms. Jane Doe No. 6 has filed, has an affidavit in which she is in possession of saying that there is absolutely no sex of any kind, any manner, shape or form with President Clinton.

That is at page 54.

Now, a few months later, the grand jury testimony of Monica Lewinsky, which was given under oath and following a grant of transactional immunity, confirmed that the contents of her affidavit were not true.

Question: Paragraph 8 of the affidavit says, I have never had a sexual relationship with the President; is that true? Answer: No.

That is the transcript of the grand jury testimony of Monica Lewinsky at page 924.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. Upton).

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

Mr. UPTON. Mr. Speaker, I have never been hesitant to work with a Republican or Democrat, to get things done for our country. I count good friends on both sides of the aisle. To me, this vote is not about politics, it is about respect, integrity, our laws and, yes, the Constitution.

One of the highlights of my life was serving in the White House. There was never a time that I have not had the greatest respect for the office of the President.

President Lincoln’s portrait in the White House is a quote taken from a letter written by President Adams to his wife Abigail in 1801. It reads, I pray heaven to bestow the best of blessings on this House and on all that hereafter inhabit it. May it nobly aid and wise men ever rule under this roof.

We have millions of public servants in this land, some serve as governors, some as legislators or school board members. In every one of those roles, we will never agree always on the best course that they choose for our Nation or community. But as Americans we need to respect them and their decisions. That is what our democracy is all about. The key bedrock of every public official is their oath of office. It is that one oath does count. This is the oath of a single Michigan community that would tolerate a public official violating that oath. The charges and evidence contained in these articles are indeed most serious.

Mr. SENSENBERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. Mica).

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

Mr. MICA. Mr. Speaker, today is a difficult day for both the Congress and the country. I truly believe that if we could search the hearts and souls of every Member of Congress, that none of us would like to undertake the impeachment of any President of the United States. We are not here today because of the single action of any one individual except the President, William Jefferson Clinton. We are here because nearly every Member of the House of Representatives voted to conduct an impeachment inquiry of this President. We are here because this Constitution requires us to do our job and faithfully adhere to its principles and our laws.

Every Member of Congress knows exactly why we are here today and how we got here today because the President of the United States committed offenses that leave us only to debate the question of an appropriate punishment.
Mr. Speaker, I rise today in strong opposition to the articles of impeachment filed against the President of the United States. While I strongly oppose the articles of impeachment, I favor a motion to send the resolution back to the Judiciary Committee with instructions to the committee to report a resolution censuring the President of the United States for his reprehensible and inexcusable conduct.

Mr. Speaker, this is a sad day in the history of our country. For only the second time in the Nation's history, the U.S. House of Representatives is considering formal charges of impeachment against the President of the United States.

Our Founding Fathers wisely concluded that the standards to impeach a sitting President should be very high. Most constitutional scholars and historians have clearly stated that impeachment was not intended as punishment, but to protect the Republic. These same scholars agree that Presidents should only be impeached for high crimes and misdemeanors, conduct by a President so dangerous and reprehensible that it poses injury to the Republic.

Mr. Speaker, I have carefully reviewed the four articles of impeachment passed out of the Judiciary Committee on a party-line vote; I have reviewed many documents, listened to the testimony and statements made by Members of Congress, historians, and constitutional scholars. I have followed much of the hearing conducted by the Judiciary Committee, and I have concluded that the President's conduct does not rise to the level of an impeachable offense as intended by our Founding Fathers.

Even if one assumes that the President of the United States is guilty of all or any of the activities described in the articles of impeachment, his conduct—while reprehensible and inexcusable and perhaps in violation of the law—they did not and do not threaten our Nation or cause injury to the Republic. If it can be proven that the President committed perjury before the grand jury, then the President is subject to criminal prosecution the day he leaves office in 24 months.

Mr. Speaker, the action that we take today concerning this President will have a lasting effect not only on William Jefferson Clinton but more importantly on the institution of the Presidency.

If the House of Representatives impeaches the President of the United States on all or any one of the articles of impeachment being considered today, I believe that we significantly lower the standards for impeachment for our future Presidents, and further politicize a solemn process. The Judiciary Committee heard from over 400 historians and over 200 constitutional scholars on the issue of impeachment. Mr. Speaker, if the evidence to impeach this President on the articles filed by the Judiciary Committee were clear and convincing, we would not have historians and constitutional scholars divided on this issue. The fact that most of the constitutional scholars do not believe that the President's conduct rises to an impeachable offense should tell us to move forward with censure and to dismiss the impeachment proceedings.

Mr. Speaker, I agree with former President Gerald Ford and the former majority leader, Senator Bob Dole, that the Congress should censure the President of the United States for
his conduct and move on with the business of the country.

It has been 130 years since the U.S. House of Representatives voted to impeach President Andrew Johnson. Today, it is clear that the Republican majority in this House intends to ignore constitutional scholars, historians and the majority of the American people as they proceed to vote to impeach President William Clinton. If they, in fact, do impeach this President, they will set in motion a process which will result in articles of impeachment being filed by the political enemies of future Presidents.

Finally, Mr. Speaker, the way in which the Republican leadership has handled this entire matter has been grossly unfair and regrettably partisan. Many Members of the House believe, as I believe, that the President’s conduct—while reprehensible and inexcusable—does not rise to the level of impeachment and therefore the House should censure the President. However, the Republican leadership refuses to let members offer a Resolution to censure and rebuke the President. That, Mr. Speaker, is unfortunate and it is wrong.

I urge my colleagues, for the sake of the institution of the Presidency and for what I believe is in the best interest of this country, to reject the articles of impeachment and to censure the President of the United States for his reprehensible and inexcusable conduct.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. PINSPERG). (Mr. PINSPERG asked and was given permission to revise and extend his remarks.)

Mr. PINSPERG. Mr. Speaker, I rise in objection to the articles of impeachment.

Mr. Speaker, I rise today to speak on the articles of impeachment. The President’s behavior has been deplorable, reprehensible, and immoral. He has disgraced the office of the Presidency. I think it would be best for the country if he would resign and pass the office of the Presidency. I think it would be best for the future of our great Nation. But my review of the Constitution leads me to believe that while what the President did may be warrant of indictment, it is not impeachable. When I came to Congress 2 years ago, I said that while I could not agree with anyone 100 percent of the time, it was my responsibility, as a representative of the people to listen 100 percent of the time. My colleagues, we were sent here to be our constituents’ eyes and ears. Americans want representatives that know more, not representatives that think they know better.

Mr. Speaker, I ask my colleagues to please stop and listen. The American people say we must strongly censure the President and get back to their business. I urge you to vote no on impeaching this President.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN). (Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the majority, you talk about the rule of law, but you rig the rule today so there cannot be a vote on a strong censure motion that so many of us support. You talk about the supremacy of constituencies, but you will not let us, probably a majority, vote on the censure. This debate here stands in stark contrast to the debate in 1991 on the Persian Gulf. The feelings were strong but it was nonpartisan and fair. Unlike today, the seats were filled and we came to deliberate, to exchange views, to listen to one another and to pursue a set political agenda. In this decade, that was this House’s finest hour. This is its worst.

Today signifies the total complete breakdown of bipartisanship. What we learned growing up takes on new meaning today. Two wrongs do not make a right. The President was wrong, very wrong. To turn that today into impeachment is also wrong, very wrong. (Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI). (Mr. KANJORSKI asked and was given permission to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, few will remember what we say here but history will record forever what we do here. The vote of this House will redefine the constitutional power of impeachment and restore to our people the very nature of our government from three separate but equal branches to a more parliamentary form.

I have listened intently to the able arguments made on both sides of the aisle. I know in my heart and in my mind that neither party possesses a claim on righteousness. So I am profoundly disturbed that so many Members on both sides of the aisle can be so certain of the validity of their positions.

How is it that good men and women of conscience can come to such opposite conclusions on the same facts and circumstances? It appears the only common thread that would account for this extreme difference would be partisanship. I am not gifted or wise enough to discern which side possesses the superior wisdom to be right. However, it appears to me that the constitutional framers and our predecessors established the precedent to site conclusions on the same facts and circumstances.

Mr. Speaker, I urge my colleagues to ask their consciences to discern which side possesses the superior wisdom to be right. However, it appears to me that the constitutional framers and our predecessors established the precedent to site conclusions on the same facts and circumstances.

We worry about the rule of law, the example to our children, our Constitutional duty and other such high-sounding phrases, but few have cautioned us about the affect of our decision today on the American Constitution that posterity will inherit.

Some may hate this President. Some may want him punished for sins or crimes. But truly those of us who have sworn to uphold the Constitution should pause at this moment to understand that the action we are about to take will profoundly affect the relationship of
our three branches of government for all time to come. My only prayer is that God at this eleventh hour give everyone of us the power and insight to understand the consequences of our momentous decision.

Mr. Speaker, I rise with great sadness because today we are considering whether to impeach a President. Under our Constitution, there is no more somber occasion, except perhaps declaring war. In more than 200 years, we have impeached only one President, and we have never convened a lame-duck session of the House for this purpose. Just over ten weeks ago, I was one of only five Members of this body to vote against pursuing any form of an impeachment inquiry. At that time, I also called for the Congress to firmly censure the President. I reached these decisions, in part, because I feared the slippery slope of partisan politics that has brought us here today. Careful analysis of the facts known at the time we voted to begin an inquiry led me to conclude none was needed then. Even assuming that the worst was true—namely, that the President lied and delayed the discovery of truth—I concluded that no misdeed rose to the level of an impeachable offense, and that an inquiry would unnecessarily prolong this painful National drama. (CONGRESSIONAL RECORD, October 8, 1998, p. H10025).

In reaching my conclusions, I looked to the Constitution. It states that the President may be removed from office on impeachment for, and conviction of, “treason, bribery, or other high crimes and misdemeanors.” Read in their entirety the debates of the Constitution’s authors also firmly imply that the bar for impeachment is extremely high, and that Congress should use it to address only those Presidential actions that threaten the stability of our Democracy. Lying about shameful conduct in one’s personal life does not meet the standard envisaged by the Constitution’s Framers.

In the weeks since we voted to begin an inquiry, the House Judiciary Committee has failed to live up to its charge to conduct a thoughtful and bipartisan investigation. Instead, it has developed a novel, watered-down standard of what constitutes impeachment. The committee has also neglected to interview material witnesses or subject them to the rigor of a cross examination. Furthermore, although we have learned that Miss Lewinsky told the grand jury that no one asked her to lie and no one ever promised her a job, the Committee has ignored such evidence. Of the four articles of impeachment approved on party-line votes, two are ill-defined and two are unsubstantiated.

Not only has a majority of the Judiciary Committee ignored the will of the people as expressed in an election just six weeks ago, but it has also refused to support censuring the President, a more prudent course of action that would swiftly provide closure and allow us to register our displeasure with the President’s behavior. Instead, they have argued that impeachment is the censure. We, however, should not make that mistake. In voting today for impeachment we are not voting to censure the President; in fact, voting to remove the President from office.

TREAT THE PRESIDENT NO BETTER AND NO DIFFERENTLY Although I may not agree with the Judiciary Committee’s recommendations on the matters before us today, I can agree with them in at least one respect. Namely, we should treat the President the same as any citizen. I also feel, however, that we should treat someone no differently just because he serves as our President.

During the Judiciary Committee’s proceedings last week, a majority of veteran, well-respected, non-partisan prosecutors testified that if the President were not involved—that is, if an ordinary citizen were the subject of an inquiry into the conduct—such evidence thought would be given to pursuing a criminal prosecution. If others would not be prosecuted for such conduct let alone removed from their jobs, why should we single out President Clinton? To me, it makes little sense.

The Constitution fortunately offers us a way to obtain justice in this matter without pursuing impeachment. It provides that a President can be tried in criminal and civil courts, after leaving office, for any misdeed committed during his term. The courts can, therefore, decide in the near future if President Clinton perjured himself. A court trial will also ensure that the President is treated as fairly as any other American.

CONSEQUENCES OF ImPEACHMENT FOR THESE ACTIONS Proceeding with impeachment in this case will also cause significant damage to the Constitution. A great number of Constitutional scholars have concluded that an offense is not impeachable unless it corrupts the government. The President’s actions, although shameful, certainly did not destroy the proper functioning of our government. In short, he had an improper relationship with a subordinate, he lied about that relationship in order to conceal it, and he delayed the disclosure of the truth. But, he did not subvert our government by commanding the civil rights of individuals, or accepting bribes.

Second, lowering the bar for impeachment would forever erode the power of the Presidency and tip the delicate system of checks and balances in favor of Congress. The result would be a de facto parliamentary system whereby the party in power in Congress could impeach a President of another party if a sufficient number of members of the House and Senate simply disagreed with his policies or actions. Furthermore, our Constitution was written to prevent any one branch from becoming so powerful as to dominate the others. However, if the President is not also tried, it will be impossible to separate the branches. Because impeachment in this case would irreparably and severely alter this balance, we would be wise to heed the counsel of the Constitution’s Framers and maintain a strong Presidency.

Finally, if the House passes any article of impeachment, we must consider how much it will harm the Nation. Such an outcome will likely paralyze the legislative branch for months. It will also disrupt the workings of the Supreme Court because the Chief Justice will have to preside over the Senate trial. Moreover, it will divide the country and reverse the judgment of the people who twice elected Bill Clinton as their President.

CENSURE, THE BETTER OPTION Mr. Speaker, President Lincoln’s predecessors intended us to use impeachment only when the Nation is seriously threatened by the Chief Executive. On an issue as important as impeachment, we should, therefore, not engage in partisan politics. We should be seeking bipartisan consensus and allowing Members to vote their conscience.

From my perspective, there is a better course of action than what we are being offered here. Instead of only considering whether to impeach the President or to exonerate him, a more sensible course of action would find a middle ground that would avoid a polarized public, government gridlock, and a Senate stalemate. As I stated at the time of my opposition to impeachment last week, I believe that we should strongly censure President Clinton for his reprehensible and immoral conduct. Unfortunately, the leadership of this House has denied us a vote on such an alternative.

Opponents of this option contend that censure is not a Constitutionally-sanctioned procedure for Congressional condemnation of Presidential misconduct. If, however, impeachment is the only alternative available to Congress to register its opinion on every occasion of Presidential wrongdoing, then the threshold for impeachment will fall too low. Although the Constitution remains silent on the issue of censure, Constitutional scholars generally agree that Congress can do what it wants as an alternative to impeachment, so long as we do not cross the lines that separate the three branches of government. In fact, by a margin of nearly four to one, the 18 Constitutional experts called as witnesses by both the Republicans and Democrats before the Judiciary Committee agreed in writing that the Constitution does not prohibit censure. Finally, the argument ignores the fact that Congress has been censuring Presidents for more than 150 years, including Presidents Jackson, Tyler, Polk, and Buchanan.

CONCLUSION Based upon any fair reading of the Constitution, nothing in this case justifies overturning an election and removing our President. Instead, it is time to put the turmoil of the last eleven months behind us. The President misled his family, his friends, his colleagues, and Congress. He also dishonored the office the American people entrusted to him. For this inappropriate and disreputable behavior, we need to admonish the President, but not punish the Nation. The American people should not have to endure an endless Senate trial about Presidential offenses that did not subvert the government.

Mr. Speaker, we should vote today to end this impeachment charade. We need to move forward and address the pressing challenges of our time. We should also begin to forgive. Congressional censure will accomplish all of these goals. For these reasons and others, I will oppose these articles of impeachment, but support sensible efforts to censure the President.

Mr. SENSENIBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

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

Every witness who appears before a grand jury has three options, count them, three, and only three. One witness can tell the truth, the whole truth, and nothing but the truth, so help them God; they can assert a constitutional privilege against self-incrimination; or three, they can lie, they can mislead, and they can tell untruths.

Despite being offered yet a fourth option, President Clinton chose option December 18, 1998 CONGRESSIONAL RECORD — HOUSE H11907
three. He lied. He misled. He told untruths. Even being afforded the unprecedented fourth option of submitting for the record a statement and referring to it some 19 times as opposed to answering questions truthfully and fully, the Presiding Judge of the grand jury testimoney on August 17, 1998, was replete, that is full of lies, untruths and misleading statements; misleading in that he never admitted the truth of his relationship with a subordinate government employee; perjurious in that he refused to admit a pattern of activity; suborned perjury, that is, to cause Monica Lewinsky to testify untruthfully and in a misleading way before the court in the Paula Jordon case; perjurious, misleading and untruthful in that he refused to admit the fact that, in return for her testimony or her silence, he sought the services of Vernon Jordan to provide a job, to find a job, to buy the silence of Monica Lewinsky; perjurious, misleading and false in that he refused to admit on a pattern of activity; suborned perjury to get that point across. While the President did not want to get involved into the sexual relationship of his employee and another employee, he refused to admit the fact that, when she was an intern and later from Tennessee (Mr. BRYANT) knows that the President engaged in a very clear cover story and keep the grand jurors from learning the truth about this relationship arising out of a civil rights case. That is Article I.

Mr. BRYANT. Mr. Speaker, the opposing side has made a point that Ms. Lewinsky said that the President never specifically told her to lie. Yet they engaged in a very clear cover story for a number of months in terms of how she had access to the President when she was an intern and later from the Pentagon.

Also, I would point out, while he may not have specifically told her to lie, which is very uncommon in the area of criminal law, there are other ways to get that point across. While the President did not expressly instruct her to lie, that is Ms. Lewinsky and suggest misleading cover stories. And when she assured him, now this is a 22-year-old girl, when she assured him that she planned to lie about the relationship, he responded approvingly.

On the frequent occasions that Ms. Lewinsky promised that she would always deny the relationship and always protect him, for example, the President responded, in her recollection, that is good, or something affirmative, not do not deny it. And once she was named as a potential witness in the Jones case, according to Ms. Lewinsky, the President reminded her of the cover stories. After telling her that she was a potential witness, the President suggested that if she was subpoenaed that she should file an affidavit to avoid being deposed. He also told her that she could say that she was working at the White House and she delivered letters to him and after leaving the White House, she sometimes returned to see Ms. Currie.

In the grand jury testimony of the President, he acknowledged that he and Ms. Lewinsky “might have talked about what to do in a nonlegal context to hide their relationship” and that he “might have said” that Ms. Lewinsky should tell people that she was bringing letters to him or coming to visit Ms. Currie. But he also stated that he never asked her to lie. I think that is a classic example of the parsing of words that we have seen throughout this case.

Let me add a word about the materiality issue of these statements. Those argue that the perjury cannot be prosecuted since the underlying case has been dismissed. That is simply not the case.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, the gentleman from Georgia unintentionally has misled this House. The President admitted before the grand jury of an inappropriate relationship. He stated that clearly and unequivocally he did not want to get involved into the salacious details.

At the same time, my friend from Tennessee (Mr. BRYANT) knows that the job search began months before Ms. Lewinsky was ever considered a witness in any proceeding.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. RUSH).

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

Mr. RUSH. Mr. Speaker, the partisan politics being carried out by the Republican majority is a travesty being inflicted upon the American people. The Members of this Congress must not forget we were chosen by the people to serve all the people.

Like never before, I have heard from senior citizens, the poor, and the working class who have flooded my office with a steadfast refrain against President Clinton. These people have spoken.

The very fact that we are debating articles of impeachment flies in the face of the will of all the American people. The pompous and elitist conduct of the Republican Party is clear evidence of the lack of concern for the welfare of our Nation. President Clinton has served as a ray of hope for for the American people. This callous disregard for the American people. This callous disregard for the will of the people is exactly what Hamilton, Jay, and Madison sought to protect against. The conduct of the Republican majority is a casebook example of the abusive, self-served behavior spawned against so vehemently by the Federalist.

HISTORY REPEATS ITSELF

The Gestapo-like tactics employed by the Republican majority are reminiscent of some of the darkest chapters in history, as with the Salem witch trials and the McCarthy era. The independent counsel law was passed to facilitate into possible inappropriate conduct by those entrusted with the resources of the American people. It is this very law that has been used to advance a singular and impure purpose. The resulting report was nothing more than tabloid and sensationalistic as with the Salem witch trials and the American people at the cost of approximately $50 million—and rising. It is full of innuendo, rumor, and unproven allegations. The abuse of the independent counsel law is sinister at best. It is this type of behavior that lays the foundation for unchecked, unbridled, and egomaniacal behavior experienced by other nations. The wounds inflicted by such actions remain on the fabric of each of those nations. Must history repeat itself?

The efforts of the Republican party to discredit and smear the President border on irrationality and absurdity. Their efforts have the likely potential of tarnishing the American psyche for years to come. Since becoming the majority party in Congress as a result of the 1994 elections, the Republican party has repeatedly exploited its position to advance the interests of its party and those sympathetic to its views. The concept of balanced deliberation with regard for the overall good of American people has been lost.

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Unfortunately, the conduct of the Republican majority is exactly that which Madison spoke against. In Federalist Paper No. 57, Madison warned that the “House of Representatives . . . will have least sympathy with the mass of the people, and be most likely to aim at an ambiguous and vacillating middle line between the pre-eminence of the few.” As the Republican party satisfies its political appetite, the welfare of the people falls to the wayside.

SPINNING ON ITS HEAD

The process by which this impeachment inquiry has been carried has spun the constitutional standards for impeachment on its head. The Republican majority has proceeded with an open-ended and arbitrary impeachment inquiry. The behavior of the President, however disappointing, does not rise to the caliber of an impeachable offense. All efforts by Democrats to conduct a focused and fair hearing were spurned. The Republicans have proceeded with callous disregard for the constitutional standards for impeachment. This process is contrary to the constitutional framework upon which our nation is based.

THE WILL OF THE PEOPLE

The partisan politics being carried out by the Republican majority is a travesty being inflicted upon the American people. The members of this Congress must not forget we were chosen by the people to serve all the people. Like never before, I have heard from senior citizens, the poor, and the working class have flooded my office with a steadfast refrain which these officials repeated to the President: ‘‘Mr. President, I only wish you would be honest with me.’’

Like never before, I have heard from senior citizens, the poor, and the working class have flooded my office with a steadfast refrain. These people have spoken. The very fact that we are debating articles of impeachment, flies in the face of the will of the all American people.

The pompous and elitist conduct of the Republican party is clear evidence of its lack of concern for the welfare of our nation. President Clinton has served as a ray of hope for the forgotten Americans. This President continues to be bludgeoned by the Republican leadership because our nation is based upon which our nation rests. While I truly believe the President’s actions merit impeachment, I cannot in good conscience support his removal from office.

Mr. Speaker, I rise today in opposition to the impeachment resolution. The vote before us is the most important that many of us will ever cast.

In my career the only vote of greater importance that I can recall was that giving President Bush the power to enter this nation into the Persian Gulf War in 1991. On that day, I was one of 86 Democrats who proudly joined with Republicans to support the armed forces.

Recently, this House was asked to set aside partisan interests and bring to resolution the investigation of Speaker Gingrich. Serving on the Ethics Committee was difficult for me personally—-the time was one that tested the good faith and will of the House as a whole. At that time we rose above partisan passions to produce a just and fair punishment. As members of Congress it was our duty to do so. What we are confronted with today certainly deserves no less.

Unfortunately the bipartisan work and fairness which I have seen prevail when circumstances dictated they must, is disturbingly absent from our proceedings today. As the people of this Nation cry out for appropriate sanction and closure, Republicans continue to press forth ignoring their voices. They have denied the representatives of the people a vote on censure and will accept nothing less than the fruition of their partisan agenda.

President Clinton’s behavior, while reprehensible and indefensible, is not impeachable. His actions simply do not rise to the level of high crimes and misdemeanors. By forcibly suppressing a vote on censure, the majority has coerced this House to choose solely between a political death sentence or total abdication.

Impeaching the President would damage the very foundation of representation upon which our Nation rests. While I truly believe the President’s actions merit impeachment, I cannot in good conscience support his removal from office.

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Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. BORSKI).

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

Mr. BORSKI. Mr. Speaker, last year this House was asked to set aside partisan interests and to bring to resolution the investigation of the gentleman from Georgia (Mr. GINGRICH).

At that time, we rose above partisan and passionate emotions to produce a just and fair punishment. As Members of Congress, it was our duty to do so. What we are confronting with today certainly deserves no less.

Unfortunately, that bipartisanship is disturbingly absent from our proceedings today. As the people of this Nation cry out for appropriate sanction and closure, Republicans continue to press forth ignoring their voices. They have denied the representatives of the people a vote on censure and will accept nothing less than the fruition of their partisan agenda.

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Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. COYNE).

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

Mr. COYNE. Mr. Speaker, I rise today in opposition to this resolution to bring articles of impeachment and to these unfair partisan proceedings which deny Members the right to vote on the alternative of a censure.

Mr. Speaker, we are all disappointed in the President’s actions. The President himself has admitted that he acted improperly. This debate today, however, is not simply about whether the President did something wrong or even whether he did something illegal. Rather, the issue before us today is what, if any, action Congress should take in response.

Specifically, the Members of the House are being asked whether we believe that President Clinton’s actions were so egregious that he should be impeached and removed from office. I do believe that the misconduct merits an impeachment of the President. Impeachment by a Congress that the President is unable to carry out the responsibilities of his office or that he cannot be trusted to do so.

Congressional representatives, from treason, bribery, or other high crimes and misdemeanors as the proper grounds for impeachment. Impeachment by removing the Nation’s highest elected official nullifies a vote mailed by the American people.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, with regard to the trustworthiness of the President to continue in office, it is the President’s fitness for office, with regard to Article III of the articles of impeachment, let the facts be known. The evidence before this House indicates that the President engaged in a pattern of obstruction while the Jones v. Clinton case was pending and while a federal criminal investigation into his alleged misconduct was pending in order to thwart those proceedings.

The President encouraged Monica Lewinsky to file a false affidavit that he knew would be false in the Jones v. Clinton case. The President encouraged Monica Lewinsky to lie under oath if called personally to testify in the Jones v. Clinton case. The President related Betty Currie’s potential witness in the Jones v. Clinton case, a false account of events relevant to testimony she might provide in the case.

The President told lies to White House aides who he knew would likely be called as witnesses before the grand jury in the investigation of the President’s conduct, which these officials repeated to the grand jury, causing the grand jury to receive false information.
Mr. SENSENBRENNER. Mr. Speaker, I rise to call on the Republican majority to allow the members of the House of Representatives to vote on censure. The overwhelming majority of American people want this Congress to censure the President, not impeach him.

I support censure not because the President didn’t do anything wrong. His behavior was wrong and reprehensible. I support censure because the President’s behavior doesn’t rise to the level of an impeachable offense as outlined by our Founding Fathers. His actions were private misdeeds that neither subverted the Constitution nor constituted abuse of the power of his office.

I support censure because President Clinton didn’t order the break-in of a building. He didn’t use the IRS, the CIA, and the FBI against American citizens. And he didn’t lie to Congress about selling arms to a terrorist state.

Chairman Hyde allowed a vote on censure in the Judiciary Committee last week. He allowed the members of his committee a conscience vote on censure. We thank him for that. The House leadership must allow a conscience vote for all members on this question. When his term of office is over, he can be prosecuted and convicted for treason. This is not treason. Bribery; it is not bribery for impeachment is treason. This is not treason. Bribery; it is not bribery.

As a longtime member of the House, I have a high standard before I will vote to impeach the President of the United States, but I do remind myself that we have responsibility to charge but ultimately it is the obligation of the Senate to make the determination of the facts.

Ms. LOFGREN. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, the gentleman from Virginia said let the facts be known, so think it is important that we let the facts be known.

With regard to Betty Currie, she was not a witness in the Jones case, she did not become a witness in the Jones case, she was never a witness in the Jones case. Yet they argue that somehow there is an obstruction of justice with the Jones case. She was never a witness.

With regard to the job search record could not be clearer that Monica Lewinsky was on the job before December and got a lot of assistance long before December.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I rise in protest against this unfair procedure, asking for a censure, a vote on censure, and against articles of impeachment.

Mr. Speaker, I rise to call on the Republican majority to allow the members of the House of Representatives to vote on censure. The overwhelming majority of American people want this Congress to censure the President, not impeach him.

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As a longtime member of the House, I have a high standard before I will vote to impeach the President of the United States, but I do remind myself that we have responsibility to charge but ultimately it is the obligation of the Senate to make the determination of the facts. 
I know that in 20 years from now we are impeaching our President without bipartisan concern about the wisdom of the harm that they are doing to the presidency.

Mr. Speaker, my question for this side of the aisle is: What was the decision-making process that led them to conclude that we should not have a censure alternative on this floor? Was it a vote of conscience in their caucus that said we, their Democratic colleagues, should be denied the right to vote for the alternative that we prefer?

As my colleagues know, I am a doctor. I had the opportunity to dig around in people's bodies and cadavers in anatomy lab. I have looked for the conscience in a cadaver, it is not there. I have decided the last few days perhaps it was a Democratic cadaver I had. Those who did not have a conscience. Well, I cannot believe that is true. We also have a conscience; everybody in this body has a conscience. We would like their process that they all control to give us the same opportunity they have.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I rise today with great sadness. My heart is heavy because I know what it is like to be the target of a blatantly partisan investigation. I spent the first year and a half here defending my investigation. Remember, I spent the first year and a half here defending my investigation. I have decided the last few days perhaps it was a Democratic cadaver I had. Those who did not have a conscience. Well, I cannot believe that is true. We also have a conscience; everybody in this body has a conscience. We would like their process that they all control to give us the same opportunity they have.

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

Mr. GOODLATTE. Mr. Speaker, with regard to the obstruction of justice, Article III, and the charge of suborning perjury or witness tampering with regard to Betty Currie, everyone here should understand that the issue is not whether or not Betty Currie was a witness. In fact, it is very clear on that point. Title 18, Section 1512 of the United States Code with regard to witness tampering says that for the purpose of this section an official proceeding need not be pending or about to be instituted at the time of the offense, and the courts have been clear on this. In United States v. Radelitz the Court said the obvious example of such a violation may be the situation where a defendant tells a potential witness a false story as if the story were true, intending that the witness believe the story and testify to it before the grand jury.

So the issue was whether the President thought it was likely to occur with regard to Ms. Currie, and in point of fact she later was called as a witness, and in a civil deposition he referred to her time and time and time again. So it is clear to me that he thought she likely to be a witness, he suggested to her that Ms. Lewinsky had come on to him, when he suggested to Ms. Currie that they were never alone, all of these statements intended to influence Ms. Currie's future testimony.

Mr. Speaker, with regard to the issue of Ms. Lewinsky's employment, the question is whether the President's efforts in obtaining a job for Ms. Lewinsky were to influence her testimony or simply to help an ex-intimate without concern for her testimony. The fact of the matter is the President assisted Ms. Lewinsky in her job search in late 1997 at a time when she would have been a witness harmful to him in the Jones case she was to testify truthfully.

The President did not act halfheartedly. His assistance led to the involvement of the Ambassador to the United States and one of the country's leading business figures, Mr. Pearlman, and one of the country's leading attorneys, Vernon Jordan.

I would suggest, Mr. Speaker, there is no coincidence between the fact that Ms. Lewinsky signed the false affidavit on the same day of the Jones case were she to testify truthfully. The President did not act halfheartedly. His assistance led to the involvement of the Ambassador to the United States and one of the country's leading business figures, Mr. Pearlman, and one of the country's leading attorneys, Vernon Jordan.

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Mr. Speaker, this body has praised individuals, it has commended individuals, it has criticized individuals. No one gets upset about that. People on this side of the aisle have offered motions to censure individuals. Not the President. So the only reason we are hearing that the censure is extra-constitutional is because it is based on the fear, the well-founded fear, that it would pass.

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Mr. Speaker, this body has praised individuals, it has commended individuals, it has criticized individuals. No one gets upset about that. People on this side of the aisle have offered motions to censure individuals. Not the President. So the only reason we are hearing that the censure is extra-constitutional is because it is based on the fear, the well-founded fear, that it would pass.

Mr. Speaker, my question for this side of the aisle is: What was the decision-making process that led them to conclude that we should not have a censure alternative on this floor? Was it a vote of conscience in their caucus that said we, their Democratic colleagues, should be denied the right to vote for the alternative that we prefer?

As my colleagues know, I am a doctor. I had the opportunity to dig around in people's bodies and cadavers in anatomy lab. I have looked for the conscience in a cadaver, it is not there. I have decided the last few days perhaps it was a Democratic cadaver I had. Those who did not have a conscience. Well, I cannot believe that is true. We also have a conscience; everybody in this body has a conscience. We would like their process that they all control to give us the same opportunity they have.

Mr. Speaker, I rise today with great sadness. My heart is heavy because I know what it is like to be the target of a blatantly partisan investigation. I spent the first year and a half here defending my investigation. Remember, I spent the first year and a half here defending my investigation. I have decided the last few days perhaps it was a Democratic cadaver I had. Those who did not have a conscience. Well, I cannot believe that is true. We also have a conscience; everybody in this body has a conscience. We would like their process that they all control to give us the same opportunity they have.
We are not suggesting a bill of attainder, restraining the liberty and the property of the President. It is not unconstitutional. What is unconstitutional are the articles of impeachment that have no facts at all, but the censure proceeding.

The SPEAKER pro tempore (Mr. LAHODD). The Chair would appreciate it if Members would abide by the time constraints that are allowed by the rules of the House.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the committee.

Mr. DELAHUNT. Mr. Speaker, I think it is important to put on the record in response to my friend from Virginia (Mr. GOODLATTE), Ms. Currie appeared before the grand jury on eight different occasions. On each occasion, she testified that in no way was she pressured to make any statement exonerating the President of the United States.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

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

Mr. BERRY. Mr. Speaker, I stand here tonight without reservation, I am against this impeachment. It simply does not rise to the level that the Constitution requires. It is unfair, it is partisan, and it mocks fair play. We should not do it.

For the good of this country, this partisan insanity must end.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

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

Mr. BLAGOJEVICH. Mr. Speaker, 2 years ago I walked into this Chamber with awe. As the son of an immigrant, I was struck by the reverence in the majesty of our democracy, and this is the citadel of that democracy.

Today we are on the verge of weakening our democracy by abusing the most extraordinary tool our Constitution affords us. Most constitutional scholars and most of the American people simply do not believe that the President’s offenses, as bad as they are, rise to the level of impeachment; yet we are about to set a dangerous precedent where future Presidents will use impeachment as a tool of political destruction and not as the intended remedy for the grand abuse of power.

If we proceed down this road, this Congress will forever be remembered. Not for defending the rule of law, but for defiling our Constitution, we cannot have that vote.

Take the weight of conscience out. Do not deprive our right to vote our conscience so you can ram something through here. Spare us all the righteous condemnations, spare us all the assertions of your desire to uphold the rule of law, and do a fair act here; put on this floor a motion for censure, because certainly the fact that the conduct of the President is not impeachable does not mean it is being condoned.

We have an argument here that he does not stand for trial if it is decided that is what should happen after he gets out of office, and we do not need impeachment to teach our children the difference between right and wrong. Do not sell our parents short, do not sell our children short, do not sell the minority here short and do not sell the American people short. Give us the right, give us the fairness of a vote on censure, so the American people can have their way.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. McDADE), the dean of the House Republicans, who is retiring this year.

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

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

Mr. Speaker, I rise in support of the pending resolution.

Mr. Speaker, these votes on the question of impeachment are difficult ones for all of us. And my view of this sad situation is colored somewhat by my personal knowledge of how prosecutors and investigators can unfairly target and change a citizen.

But after reading the report of the Judiciary Committee, it is conclusive to me that the President violated his constitutional oath to the people of the United States. He did so by intentionally misstating the facts in sworn testimony, repeatedly. Likewise, he violated his oath to the system of justice, by concealing evidence and attempting to influence testimony, and by refusing to answer forthrightly the legitimate questions of a congressional committee.

I am gravely concerned about the tactics used by the Independent Counsel in this matter regarding the President. I am equally appalled by the tactics of another independent counsel in the case of former Secretary of Agriculture Mike Espy. Mike Espy, in the read world, is now known as ‘former Agriculture Secretary Mike Espy.’ But Prosecutor Smaltz is still Prosecutor Smaltz—for bringing a false case the prosecutor suffers no loss of position, no penalty for his misconduct while his target loses his job and his good name. The prosecutor is accountable.

These independent counsels are doing nothing out of the ordinary when they intimidate witnesses or engage in other unfair tactics. The tactics used by independent counsels are the same tactics used by regular federal prosecutors every day against American citizens. The U.S. Department of Justice fights any attempt to bring accountability, to bring oversight, to punish prosecutors who engage in misconduct.

Repeatedly, these tactics are given the seal of approval by the U.S. Department of Justice. Net and change a citizen. What the Justice Department raises any question about this type of conduct, which violates the Constitution. In my opinion, they contempt the basic intent of the Constitution, which is to ensure the freedom of every citizen in this country.

Earlier this session, I tried to pass legislation to reform the Department of Justice as it conducts its daily operations. I believe the need is clear—just look at the normal investigative techniques used every day in this country by not only independent counsels, but by all federal prosecutors. They cry out for attention because they threaten the liberty and constitutional rights of our citizens.

In carrying out their mission, overzealous prosecutors violate the rights of far too many
of our citizens. They represent a rogue element within the larger group of law enforcement, they must be curtailed. Their powers are enormous, then conduct unaccountable, and their victims are the constitutional rights of our citizens.

In 1940, then Attorney General and future Supreme Court Justice Robert H. Jackson warned of the dangers of placing too much unaccountable power in the hands of a prosecutor. Anyone who reads his statement should be deeply concerned about liberty in our country. He listed just two sentences:

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 forcing him to admit his guilt by putting investigators to work to pin some offense on him.

That alert, given in 1940, should be regarded as a bright danger signal in 1998. For the number of laws and regulations on the books has increased a thousand-fold. And as they have grown, so does the danger Jackson warned us about.

Today, an overzealous and unaccountable prosecutor can target and charge citizens on a hunch, or a small matter, or a trivial violation of law. The power they unleash is beyond description. The effects on a citizen of our country are ruinous.

Legislation which I offered (H.R. 3396 and the House overwhelming passed as part of the Department of Justice Appropriations bill on August 5 would have reined in the abuses of these overzealous prosecutors. Before and after passage of the bill in the House, the Department of Justice lobbied intensely against it.

And my question is, why?

Title I of my bill requires the lawyers at the Department of Justice to abide by the ethics law which governs the actions of all other lawyers. The Department vehemently argued the need for their self-proclaimed exemption from ethics laws. They were opposed by the chief justices of all 50 states, the American Bar Association, and every professional group which took a position. Standing alone in favor of their own ethics exemption was the Department of Justice. Their position was resoundingly defeated in a House vote.

Title II of my bill set a series of bright lines which begins a system of accountability—real accountability with an independent review of instances of prosecutorial misconduct.

Much remains to be done in an area of grave consequences. While I am grateful that Title I of my bill survived in the omnibus appropriation which also needs Title II to bring accountability to the Department of Justice. It is my hope that the 106th Congress will continue the work we started this year, to safeguard our citizens from prosecutorial misconduct.

Mr. SENSBRENNER. Mr. Speaker, I yield two minutes to the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Speaker, David Schippers, Chief Investigative Counsel for the Committee on the Judiciary, lifelong Democrat and former head of Robert F. Kennedy’s Task Force on Organized Crime in Chicago, summed up the one thought that I would like to contribute to this debate. He said before the Committee on the Judiciary, “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 lifeblood of the United States of America.”

If lying under oath is tolerated and when exposed is not visited with immediate and substantial adverse consequences, the integrity of this country’s entire judicial process is fatally compromised and that process will inevitably collapse.

I met with Mr. Schippers in the Ford Building this afternoon and became all the more convinced on the need to do something about this principle that he talked about. For those of you in search of a censure, I have come to believe that the constitutional way in which you bring about censure is by sending articles of impeachment from the House to the Senate that go nowhere.

But whether the Senate convicts or not, I think we have to get at what Mr. Schippers was talking about, because, if not, we leave in place one of two very cancerous thoughts. The first would be the President lied, I can too. If people come to believe in a municipal court, a state court, a district court, that when they raise their right hand and promise to tell the whole truth and nothing but the truth, that they can do otherwise, we will have substantial harm to our judicial system.

The other cancerous thought would be I do not know if he lied, but we have two different systems of justice; one for important people like presidents, another one for the rest of us. If we let either of those two thoughts grow, cancerous thoughts grow, we will have substantial harm to our system.

Scott Peck wrote a book several years ago called “The Road Less Traveled.” He talked about the road of the right hand was the hard road, and therefore, the less traveled road. I think we are on that road tonight, and encourage a vote on impeachment.

Mr. SENSBRENNER. Mr. Speaker, the very first thing I want to do is recognize and salute the members of the Committee for the other brave auditors and the staff for the very difficult and courageous work that they have done.

After a thorough review of the record, careful deliberation and a great deal of very painful soul searching, I have reached the conclusion that President Clinton lied under oath and encouraged others to lie under oath in a Federal Court proceeding. He has thereby violated his fundamental constitutional responsibility to take care that the laws be faithfully executed. That, in my opinion, is grounds for the President’s resignation, but it is also grounds for his impeachment under the first three articles reported out by the Committee on the Judiciary.

Impeachment is essential to preserving the rule of law under our Constitution, a sitting President cannot be indicted for crimes. The only way to make him subject to the law and preserve the rule of law is through the process of impeachment.

Mr. Speaker, when a President can distort the truth, break the law and avoid accountability, what are the consequences for our Nation? Do we want to establish the precedent that presidents may with impunity hold the law in contempt? How can we expect anyone who is subpoenaed to court to have to tell the truth, when the head of our government has not? In my opinion, such conduct would invite the abdication of morality and accountability and it would breed contempt for the law.

This truly is a vote of conscience. In a sense, it is a rare opportunity to put principle over politics. As George Washington said, let us look to our national character and not to the present period. We are duty bound to tell the truth, the whole truth and preserve the rule of law.

For the sacred purpose of preserving the rule of law and the integrity of our Constitution, I will vote to impeach William Jefferson Clinton, and I urge my colleagues to do the same.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. MALONEY).

Mr. MALONEY of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in opposition to the pending resolution.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, again, for the record, I think it is important
to note in terms of the constitutionality of censure that no less a figure in our history than Abraham Lincoln, the father of the Republican Party, supported a House resolution condemning President Polk for unnecessarily and unconstitutionally starting a war with Mexico.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise against the articles of impeachment.

Mr. Speaker, the articles of impeachment referred to the House by the Committee on the Judiciary Republicans are the product of a partisan hearing process, a very unfair process. The majority party is obsessed with destroying this President. I think it is because he represents the American people and is not the elitist view, but the people's view. We have called this House the People's House, and, time after time after time, I have seen these Republicans stand and ignore the people.

It is unfortunate that we have come to this time, because it is clear, I have listened all day, and all I have heard are excuses trying to back up why they want to destroy this President. We have spent $40 million of the taxpayer's money for the Republicans to be able to say "gotcha."

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS asked and was given permission to revise and extend her remarks.

Mrs. CAPPS. Mr. Speaker, I rise today with a heavy heart. I oppose the impeachment of the President of the United States. I support censure. We all know that the President's conduct was despicable. He should be punished. I am deeply disturbed that we will not even consider a bipartisan motion of censure. I am being denied the opportunity to vote my conscience and adequately represent my constituents. This is terribly unfair.

The question before us is whether the President's conduct was impeachable. I have concluded that his misdeeds do not constitute high crimes and misdemeanors. Impeachment is not meant to punish a President, but to protect the Nation against the abuses of power that would undermine a system of government.

We simply must not impeach the President unless we can do so in a way that is faithful to the Constitution, to the best interest of our nation, and to the people we represent. I say to my colleagues in all earnestness that we risk failing in this solemn duty in a way that people will most harshly. Many have rightfully described this as a sad time. But despite the circumstances that have brought us to this point, I believe we could discharge our duty in a way that would uplift our nation and instill confidence in our political system.

Mr. Speaker, I rise today with a heavy heart. Never did I imagine that I would have to cast a vote whether or not to impeach the President of the United States.

Tomorrow I will vote against the four articles of impeachment.

Instead, I favor censuring the President. The resolution offered by the Judiciary Committee minority, which strongly condemns the President's behavior, would permanently and officially record the charge that he has brought upon his office.

A Congressional censure is not a trivial slap on the wrist; it is a powerful, historic punishment. I am deeply disturbed that a censure resolution will not even be brought to this Floor for a full and open debate.

The will of the American people is being callously ignored by this patently unfair and starkly partisan process.

Without the option of censure, not only am I being denied the opportunity to vote my conscience, but I am prevented from adequately representing my constituents.

I have not made these decisions lightly. But I have made them deliberately.

The question before us today is not whether the President's misconduct was immoral and despicable; of course it was.

The question is whether his behavior was criminal; that could be decided in a court of law.

The question is whether his actions are impeachable. After reviewing the evidence presented by the Judiciary Committee, I have concluded that they are not.

The impeachment clause was not drafted as a means to punish a President. It was not even designed to teach our children a lesson in morality.

Instead impeachment is intended to protect our constitutional system of government. It is meant to protect the nation against Presidential abuses of power so great that they undermine the security of the nation.

President Clinton's misdeeds, his lies, even his crimes, do not threaten our democratic system. His wrongdoing stem from private matters, not affairs of state. They do not rise to the level of impeachable high crimes and misdemeanors.

While opposing impeachment, I feel strongly that the President must not escape punishment. A formal bipartisan Congressional censure is punishment that fits the crime.

Mr. Speaker, it is time to bring this sordid chapter of American history to a close. The President deserves to be censured. The constitutional threshold of impeachment must be upheld.

A President twice elected by the people must not be thrown out of office without iron-clad justification. And we should not impeach the President of the United States on a narrow, partisan vote.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.

Mr. PRICE. Mr. Speaker, this is the most important vote any of us will ever cast. The judgment of history should weigh heavily on our minds.

What has brought us to this point? The reckless, irresponsible behavior of the President and his efforts to cover up that behavior, even when he was sworn to tell the truth. Many legitimate and troubling questions have been raised about the way the independent counsel and those working with him pursued this case, but this case is about the president and his behavior, which violated basic moral standards and is deserving of condemnation and reproach.

That is not the end of the matter, however, for this case is also about us, as members of the House of Representatives. We have had this matter thrust upon us, and we must determine how to hold the president accountable in a way that is faithful to the Constitution, to the best interest of our nation, and to the people we represent. I say to my colleagues in all earnestness that we risk failing in this solemn duty in a way that people will most harshly. Many have rightfully described this as a sad time. But despite the circumstances that have brought us to this point, I believe we could discharge our duty in a way that would uplift our nation and instill confidence in our political system.}

And where there should be assurances that this is a vote of conscience, I see a cynical and unfair manipulation of the rules to deny Members the right to vote on a motion of censure and to tilt the outcome in favor of impeachment.

This shuts off consideration of the most appropriate sanction under the Constitution for the behavior we are considering. It denies many of us the right to vote our consciences on the most serious question we are ever likely to face as Members of this body. It is manipulative, it is cynical, it is unfair. It is as though the Republican leaders of this House have set out to confirm all of the worst suspicions Americans have about politics and politicians.

Mr. Speaker, this is the brink of a historic and tragic failure. I beg my colleagues to reconsider.

Mr. Speaker, who among us would have thought when we ran for office or when the 105th Congress began, that this is where it would end?

For the second time in the 209-year history of this republic, we are debating articles of impeachment of a president on the House floor. This is likely to be the most important vote any of us will ever cast. The judgment of history should weigh heavily on our minds.

What has brought us to this point? The reckless, irresponsible behavior of the president and his efforts to cover up that behavior, even when he was sworn to tell the truth. Many legitimate and troubling questions have been raised about the way the independent counsel and those working with him pursued this case, but this case is about the president and his behavior, which violated basic moral standards and is deserving of condemnation and reproach.

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action, I see a hard-charging majority whipping its members into line, and bringing articles of impeachment to the floor after committee approval on a strictly partisan basis.

Where there should be scrupulous attention to the constitutional and historical basis for impeachment, I see a cavalier disregard for "definite impeachable doings" to secure a favorable vote, in disregard of both what the Framers intended in placing this power in the hands of the Congress and the constitutional mischief this action might encourage in the future.

Where there should be assurances that this is a vote for what we, and that members, will be given a full and fair opportunity to debate and vote on legitimate and differing proposals for holding the president accountable, I see a cynical and unfair manipulation of the rules to deny members the right to vote on a motion of censure and to tilt the outcome in favor of impeachment.

This rigging of the rules shuts off consideration of the most appropriate sanction, under the Constitution, for the behavior we are considering. It blocks off the most promising possibility for accommodation and agreement. It denies me and many like me the right to vote our consciences on the most serious question we are ever likely to consider as members of this body. It is manipulative, it is cynical, it is unfair. It is as though the Republican leaders of this House have set out to confirm all the worst suspicions and fears Americans have about politics and politicians.

And all this is happening at a time when the House ought to be rising to this extraordinary historical and constitutional challenge. It is indeed a sad and anxious time, and we should not and need not be judgmental about any of the president but also of ourselves hangs in the balance.

In consulting the views of our country's founders, particularly the debate in the Federal Convention of 1787, and the subsequent precedents, I have come to the conclusion that seems to be shared among the vast majority of constitutional scholars: the Framers viewed impeachment of the president as a remedy reserved for protecting our Constitution and system of government from grave abuses and betrayal.

The records of the Federal Convention make abundantly clear that the assumed grounds for impeachment were treason, corruption, and similar crimes against the state. Some delegates desired to provide flexibility in the grounds for impeachment, while others opposed any impeachment power for the legislative branch whatsoever as a threat to the independence of the executive. As a result, to the specified grounds for impeachment, treason and bribery, were added "other high Crimes and Misdemeanors against the State" (see Madison's "Notes" for July 20 and September 8, 1787). The last three words were dropped by the Committee of Style, but with no intent to broaden the application of the terms.

As Alexander Hamilton subsequently wrote in the Federalist (no. 65):

"The objects of jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust . . . [related] injuries done immediately to the society itself.

Presciently, Hamilton added that "in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt."

The one time the House impeached a president demonstrated Hamilton's foresight. I've always heard a great deal about Andrew Johnson: I grew up thirty miles from his home in Greeneville, Tennessee, and I now represent the North Carolina district where he was born. Members would do well to reflect on the circumstances of Andrew Johnson's impeachment and the consequences that flowed from it. Although Johnson was not convicted by the Senate, his impeachment ushered in a period of congressional ascendance and hobbled the presidency into the next century. The republic survived: we were an in-sular, agrarian nation, less in need of a strong executive than we are now. But while the grounds for impeaching Johnson were closer to the constitutional standard than those we are considering today, history has not judged the perpetrators of Johnson's impeachment kindly.

The profiles in courage in 1868 were not those radical Republicans who pressed for impeachment; it was an easy vote for them, pleasing their political base and promoting their political ambitions. The profile in courage we most remember, in large part because of John F. Kennedy's book by that name, is Re- publican Senator Edmund G. Ross of Kansas, whose vote prevented conviction by the Senate an who saw his political career ended by virtue of that vote. We would do well on this solemn occasion to recall the example of Ed- mund Ross and the warning he gave: If the President must step down . . . a disgraced man and a political outcast . . . upon insufficient proofs and from partisan considerations, the office of President would be degraded, coordinate branch of the government, and ever after subordi- nated to the legislative will. It would prac- tically have revolutionized our splendid po- litical fabric into a partisan congressional autocracy.

We have an appropriate alternative in a res- olution of censure. I have heard the objection that censure is not constitutional merely because it is not explicitly mentioned in the Con- stitution. The arguments of con- stitutional scholars disagree. The precedents for congressional censure of presidents num- ber at least four. The most frequently cited case is the Senate's censure of President An- drew Jackson in 1834. The House has taken similar action, such as the 1842 report—adopted by a vote of the House—finding that President John Tyler abused his constitutional powers, or the 1848 resolution charging Presi- dent James K. Polk with starting a war with Mexico in violation of the Constitution. In 1864, the Senate acquitted Abra- ham Lincoln for unconstitutional acts. Con- gress has censured civil officers of the United States beginning in 1822 and continuing throughout our history. For Republicans to call censure unconstitutional is simply a smoke screen to cover their cynical and unfair manip- ulation of the rules to deny members a vote on the alternative which is favored by most of the American people and which is the most appropriate way of holding the president ac- countable.

Censor's opponents also argue that such a resolution would upset the equilibrium of power between the legislative and executive branches. This argument is a breathtaking dis- play of crocodile tears, because these same people are pushing the House toward adop- tion of articles of impeachment which will weaken the executive far more than any reso- lution of censure. The Andrew Johnson im- peachment shackled the presidency, requiring his successors to seek the permission of Con- gress for unconstitutional acts, to deny that power to all but the most high officials. It was not until the administrations of Theodore Roosevelt and Woodrow Wilson that the office regained the powers enjoyed by President Lincoln and many of his prede- cessors. In 1885, Wilson described a "con- gressional government," that enabled "more and more into the details of administration until it has virtually taken into its own hands all the substantial powers of government." In por- traying the approach the majority is taking today, Professor Bruce Ackerman of the Yale University School of Law observed that this "cavalier approach to the impeachment proc- ess would radically change [the separation of powers], Congress could regularly respond to unpopular decisions by seeking to force the president from office. The result would be a massive shift toward a British-style system of parliamentary government."

In the long run, history will judge not only this president, but this House of Representa- tives as well. The articles of impeachment we are about to adopt, and from which I will vote yes, do not even come close to the in- tent of our Constitution's Framers and fly in the face of the convictions of most of our citi- zens and of our historical experience. The process by which we are considering them is a travesty. It denies us the ability to vote on the president's conduct and to the minority the right to propose alternative measures. It pro- motes division where there should be unity, distrust where there should be confidence.

Mr. Speaker, this House is on the brink of an historic and tragic failure. I beg my col- leagues to take heed.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BOB SCHAFFER).

Mr. BOB SCHAFFER of Colorado.

Mr. Speaker, in the most fundamental terms, what Americans are fighting for today in Iraq is the truth. We fight for the self-evident truths upon which our Founding Fathers launched the great- est nation on the planet. Our history is replete with examples of our failure to honor the truth. We have abandoned it plenty of times, but we have never lost sight of what is right in the world.

By relying on the protection of di- vine providence and by renewing of our minds, we have always tried to discern what is the will of God, what is good and acceptable and perfect. We have al- ways been serious about the truth.

Today, there are 115 Americans who are confined behind Federal bars im- prisoned by our society, by the law, for failing to tell the truth when it mattered most, when someone else's life hangs in the balance. Has our response been rather harsh, has it not? In America, we will take away one's liberty and freedom when they lie under oath.

Mr. Speaker, there are Federal prisoners who today serve as proof of this. How confused they must be. How confused all Americans must be to ob- serve this debate, to hear this

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of the United States say nothing of the 115 people in jail sentenced for committing the Federal high crime of perjury. Yet, Members question with passion the merits of applying the same law to the highest ranking public official in America.

On this next point, Mr. Speaker, let us be clear. Our spiritual tradition in America also entails forgiveness. Indeed, the President has asked for forgiveness, and I judge his sincerity to be genuine. As but one American, I, too, as I give the President my friendship, do not risk being forgotten. If the President seeks, I submit it will be freely granted by even the last one of us, but if it is punishment he seeks to avoid, he will be terribly disappointed.

Forgiveness is a sacred quality defining the relationship between individuals. Punishment, in this case, is a civil response to breaking the law. In America, we do both every day, and today should be no exception.

So it is upon that custom that the holy day of this presidency should be impeached, to ensure that so long as he adorns the great presidential seal and the hallowed flag of the United States of America, he shall deny justice no more. He shall never lie to us, and let him too, is our solemn responsibility and obligation to the American people.

Mr. Speaker, most certainly at a time when America is called upon to lead the world to crush tyranny abroad, we must take inspiration from our brave soldiers whose courage lights the way of truth and provides hope for those in bondage. I want my children to know that when their father lectures them to tell the truth, he means it. And when this United States Congress considers the rule of law, we are serious. But if we fail in our solemn duty to apply the constitutional law of our country today, please, Mr. Speaker, and I beg my colleagues, do not risk the lives of anyone. Our country today should be no exception.

The Articles of Impeachment have been properly proposed, sufficient scrutiny of the Resolution has been rendered, the evidence before us has been well established, succinctly presented, and not one among us so far has heard credible opposition or challenge to the facts.

To the charges, Members of the House hold differing opinions about a suitable remedy. Most favor impeachment as defined under Article II Section 4 of the Constitution. Others have invented a lesser remedy of “censure.” Some demand only a polite tap on the president’s shoulder. But no one can deny—that is, without emasculating the English language—that President William Jefferson Clinton lied under oath, committed the high crime of perjury, and maintains, as a prosecutable felon, the office of the Presidency.

And while most of us at this point have solidified and justifiably the votes we intend to cast in just a moment, I ask my colleagues to consider the explanation of my vote that I have given to my children now at home in Colorado.

I am of the first generation of Americans which has never known the draft. Now imagine that, live near my friends or brothers drafted into the nation’s defense. I’ve never had to hear a friend’s mother cry upon learning the fatal news of her son. I’ve never had to live with the anxiety of wondering if, and when, my number would come up. And the thought of my children being called away seems remote even at the present time.

Now that’s a powerful statement of freedom, and a powerful testimony to 250 years of colonists, patriots, and American citizens who have defined American valor. And I thank God every day for the liberty I enjoy today. I thank every American veteran, volunteer or otherwise, who has placed his life on the line for my liberty and for that of my children. Today, Mr. Speaker, I’m especially thankful for the fine men and women who are fighting for America, half a world away from us here, this very day, and for all their colleagues who maintain peace everywhere else. They represent the best of America, and they understand what it means to be an American.

America is more than our history, America is more than the flag, more than the Constitution, more than sea or shining sea. America is more than the Supreme Court, more than this Congress—and more than the President of the United States. Actually, America is a concept—and a simple one at that. America is, and has always been about the Truth.

Now there’s a concept that has challenged humanity from the Garden of Eden to this very moment, and it will challenge us from here to eternity. In fact, the greatest commandments of all the world’s greatest religions are about the Truth. The Almighty knows the heart of all men, and He knows how we struggle, and fail, and struggle again, to honor the Truth. I believe He knows we will all fail on occasion, sometimes very seriously, yet He holds out the assurance of His blessings to any man or woman—or Nation—that genuinely seeks the truth.

In the most fundamental terms, what Americans are fighting for today in Iraq is the Truth. We fight for the self-evident truths upon which our forefathers launched the greatest nation on the planet. And yet our history is replete with examples of Americans failing to honor the Truth. We’ve abandoned it plenty of times. But we’ve never lost sight of what is right in the world.

By relying on the protection of Divine Providence, and by the renewing of our minds we have always tried to discern what is the will of God—what is good and acceptable and perfect.

Yes, the reality of tyranny in Iraq has resulted in human degradation, misery, pestilence, and death, and that’s what prompts our action in that region today. While soldiers, sailors, and airmen risk their very lives for Liberty, and other self-evident Truths in the Persian Gulf, don’t you think we owe them the same kind of courage here at home—to reaffirm that the Declaration they defend is real, that America will not be led by false witness, but by the same truth that sets us apart from the rest of the world? Life, Liberty, and Pursuit of Happiness are the pillars of humanity, and to those truths we have pledged our lives, our fortunes, and our sacred honor. And when we fail, we repair ourselves by fixing our bearing upon what we know to be right, not in some errant direction.

We have always been serious about Truth. Today, there are 115 American citizens confined behind federal bars, imprisoned by our society—by the law—for failing to tell the truth. One who has the power to depart from the law and when it mattered most—when someone else’s liberty stood in the balance. Our response is rather harsh isn’t it?

In America, we will take away one’s liberty and freedom when they lie under oath. Yes my colleagues, there are federal prisoners in federal prison today who serve as proof of this. Perhaps some of them are observing this debate from their cold jail cells. How confused they must be. How confused my children must be. How confused all Americans must be, to observe this debate—to hear the United States Congress say there are people in federal jail, sentenced for committing the federal high crime of perjury—yet Members question with passion the merits of applying the same law to the highest ranking public official in America.

I think we recall one Member objecting, on this floor, to the separation of liberty from a single felon convicted of perjury. No speeches fill our Journals, no entry, no extension or remark in the Record. Yet we agonize over the disposition of one Mr. Clinton and his relation to the highest office in America.

Mr. Speaker, unless any single opponent of today’s Resolution has risen to the defense of a single convicted, jailed perjurer in this House—they may all be regarded by their countrymen, with plausibility, as hypocrites.

My concern is not for the comfort of felons, but for their souls nonetheless. Because we believe the rule of law to be so essential in America, we should insist it be applied fairly to the least and greatest among us, and with blind justice.

On this next point, Mr. Speaker, let us be clear. Our spiritual tradition in America also entails forgiveness. Indeed, the president has asked for forgiveness, and I judge his sincerity to be genuine. As but one American, I forgive him fully. If it’s forgiveness the president seeks, I submit it will be freely granted by even the last one of us, but if it’s punishment he seeks to avoid, he will be bitterly disappointed. Forgiveness is a sacred quality defining the relationship between individuals. Punishment, in this case, is a civil response to breaking the law.

Criminal punishment is about public safety and social order. The reason we incapacitate law breakers is to shield society from an offender’s propensities and to ensure the un molested liberty of law-abiding citizens. And so it is upon that custom that the holder of the office of the Presidency should be impeached—to ensure that, so long as he adorns the great presidential seal and the hallowed flag of the United States of America, he shall deny justice no more, he shall never lie to us, and let him too, is our solemn responsibility and obligation to the American people.

This is a profound matter which must be resolved now. Mr. Speaker, please just yesterday, our
ally in the British House of Commons took to their Chamber to affirm England’s commitment to use of military force in Iraq. One Member of Parliament sharing Mr. Clinton’s own political philosophy, said, “We’re not being led into battle by Richard the Lion-Hearted, but by Clinton the Lion-Hearted.”

Mr. Speaker, my children deserve a president who commands respect in the great halls of democracy around the world, especially among our diplomatic partners. My children deserve a leader whose commitment to his oath is an international bond spanning the widest oceans.

And Mr. Speaker, most certainly at a time when America is called upon to lead the world to crush tyranny abroad, we must take inspiration from our brave soldiers whose courage lights the way to truth and provides hope for those in bondage, everywhere. I want my children to know that when their father lectures them to tell the truth, he means it and when the United States Congress considers the rule of law we are serious.

But if we fail in this solemn duty to apply the constitutional law of our country today, please Mr. Speaker, I beg my colleagues, do not risk the lives of our soldiers any longer. Let us never call upon them to demonstrate their abundant courage until we resolve to give the same of ourselves.

Ms. FURSE. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, we stand on the floor of the House in the ‘shadows of 23 men who in the course of human understanding have written the basic principles that anchor American law, the concept of a Nation of laws, not men.

Today, we have been charged with choosing between reaffirming these basic principles, or sacrificing fundamental truths, so that one man can be placed above the law.

I have studied the thoughts of the North Carolinians who helped shape the debate of the ratification of the U.S. Constitution. My friend Mr. Hayes later served in the Supreme Court, while debating the impeachment clause before the North Carolina Convention noted that an impeachment clause is necessary because, and I quote, “If this power were not provided, the consequences might be fatal. It will be not only the means of punishing misconduct, but it will prevent misconduct. A man in public office who knows that there is no tribunal to punish him, may be ready to deviate from his duty; but if he knows that there is a tribunal for that purpose, although he may be a man of no principle, the very terror of punishment will perhaps deter him.”

After reviewing evidence, I support Article I accusing the President of obstruction of justice.

I believe the charges outlined in I and II go to the very heart of our system of justice. John Jay, the first Chief Justice of the Supreme Court, believed that, and I quote, “No crime is more extensively pernicious to society” than perjury. If we knowingly allow our President to break laws while some Americans sit in jail for having violated the same statute, we weaken the very rule of law protecting us.

One of North Carolina’s most famous sons, Benjamin Seay, was a member of President Clinton’s legal team. Mr. Seay stated in his last newsletter, and I quote, “If we seek truth, keep faith and have courage, I have no fear that this Nation can overcome all challenges from within or without.”

Our country is strong. Our Constitution was written with wisdom and grace. Regardless of the outcome of this sad chapter in our Nation’s history, I am hopeful that we will live in peace with our conclusion.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, Article II, Section 4 specifically describes impeachment as the remedy before us.

Mr. Speaker, there is no mention of censure in the United States Constitutional document but it is implicit in the specified powers. To the arguments from the minority side on censure, let me quote a senior member of the Committee on the Judiciary, the gentleman from Massachusetts (Mr. FRANK), in an article appearing in the Boston Globe in March of this year. He was talking about the majority party, and so he offered a pot shot, but listen to the words; I quote them now. “Faced with a choice, they go for symbolism over substance. That is what censure is.”

The words of your colleague, my friends: “Symbolism over substance, that is what censure is.”

The Arizona Republic opines: Skip the evasions and inventions. If the President lied in his deposition and in his grand jury testimony, and then took pains to cover his tracks and to encourage others to mislead the grand jury, the constitutional remedy is to impeach and allow the truth to emerge in the resulting Senate trial.

The Mesa Tribune editorializes, quote, “It’s a crime to lie under oath, period.” I take no pleasure in this circumstance, but for those who want to carve out an exception to the rule of law, I quote your colleague, Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I rise to voice my opposition to this unfair, uncalled-for censure.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. BARRETT), a member of the committee.

Mr. BARRETT of Wisconsin. Mr. Speaker, several of the previous speakers have said that no man is above the law. I passionately and fervently agree, as do the Members on this side, and that is why our censure resolution specifically states that the President remain subject to criminal and civil penalties after he leaves office. It is important to make that point, because the American people should know that. It is a crime that our censure resolution cannot be heard on this floor.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, Mr. Clinton’s personal conduct was wrong, but no amount of outrage or indignation can obscure the fact that the rule of law begins with the reading of the Constitution and a review of the history of the Constitutional Convention debates of 1787, a principle well recognized by every court.

The framers of our Constitution and their forefathers had fled a monarchy and wanted to be sure that the person serving in the newly created position of
chief executive did not usurp his powers and seek to reestablish the unlimited powers of the throne. Impeachment for high crimes and misdemeanors gave Congress the power to defend the Constitution against acts that would destroy the constitutional order or extend the presidential power beyond its defined limits. For other crimes and misdemeanors, the framers chose to again depart from the monarchial tradition and leave the President subject to the same laws and to the same judicial penalties and punishments and protections as any other citizen.

The President is not above the law, and today an independent counsel retains the power to indict the President and try him after he leaves office for any crime he may have committed. My oath of office does not require that I defend the President, but I cannot fail to defend the Constitution.

Under that solemn oath, I cannot vote in the present case to remove the President from office.

In the Sermon on the Mount, Jesus said "Judge not, lest ye too be judged." God forbid that we would judge the President today by any standard that sets forth the Constitution. This is the responsibility each of us readily assumed when we raised our right hand and swore to support and defend the Constitution of the United States.

The issue before us is not to be decided by what the polls say or even by what our colleagues say here today. In this moment, every Member must reach deep into their mind and soul and ask "What does the Constitution say?"

While we may all agree that Mr. Clinton's personal conduct was wrong, no amount of outrage or indignation can be allowed to obscure the fact that the rule of law begins with a reading of the Constitution and a review of the history of the Constitutional Convention debates of 1787. That is fundamental to the rule of law as recognized by the common practice of every court in our land.

I have read the notes and records of the debates of the Constitutional Convention regarding the language of Article II Section 4. The framers were careful to create a system of government with three separate and independent branches of government—none with undue power over the other. They and their forefathers had fled a monarchy and they wanted to make sure that the person serving in the newly created position of Chief Executive did not usurp his powers and seek to reestablish the unlimited powers of the throne.

The clear intent of the impeachment power was to give Congress the power to protect the Constitution and the office of the Presidency from acts that would destroy the Constitutional order or extend the Presidential power beyond its defined limits. For other crimes and misdemeanors the framers chose to again depart from the monarchial tradition and leave the President subject to the same laws and to the same judicial penalties and punishments—and protections—of any other citizen.

Yes, we should severely censure the President as an expression of our collective disapproval of his actions. And we should not forget that the Independent Counsel retains the power to indict the President and try him after he leaves office for any crime he may have committed.

I am not called upon by the oath that I took to defend the President but I must defend the Constitution. Under that solemn duty, I cannot vote in the present case to remove a President elected by the people from the highest office in the land.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in strong opposition to impeachment. I rise in strong opposition to this attempt at a coup d'etat by Bill Clinton in this attempt to overturn two national elections. The American people are ahead of the politicians; they are certainly ahead of the majority party. They want censure. Why are we not given the opportunity to vote for or against censure on the House floor? Why are we not allowed to represent our constituencies on the House floor?

No one believes that the President will ultimately be removed from office, so we will have dragged this country through a 6-month trial in the Senate and Bill Clinton will still remain President. What good does that do?

Let us put this behind us with a bi-partisan censure. Let us get on with the issues of importance to the American people, such as health care, Medicare, Social Security, education, campaign finance reform.

My colleagues on the other side of the aisle say they have a constitutional duty to move forward. I come from the Bronx, and we talk about street smarts there or a little bit of common sense, and common sense means you do not move forward with blinders on, you do what is best for the country. Please, do not move for impeachment. This will only harm our country that we love.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I believe the President's conduct was wrong, indefensible, and disgraceful, and he should be punished. But after careful review of the Articles of Impeachment and supporting materials and after prayerful deliberation, I must vote against impeachment.

I do support strong censure, which makes clear that the President is not above the law, and remains subject to any penalties of law substantiated by the facts. While I cannot defend the President's conduct, it is my solemn duty to defend the integrity of the Constitution.

The Founding Fathers made it clear in their deliberations that only the most serious offenses against the Republic itself would justify removal of the President from office.

Whether or not the facts alleged in support of the Articles of Impeachment are true is questionable. None of the testimony given in support of the Articles has been subjected to cross-examination. But even if we assume that the allegations are true, it is my sincere judgment that they do not rise to the high constitutional standards for impeachment and removal from the office of President.

There is unanimity in the Congress and throughout America that the President's conduct was wrong, possibly illegal, immoral and reprehensible. Moreover, it is clear that the people of this country feel the President should be held accountable for the violation of the trust he owes to the American people. However, it is also clear that they want punishment that will fit the offenses. They believe censure is the appropriate course of action. Constitutional scholars who testified before the Judiciary Committee agree four to one that censure is constitutional and appropriate.

Those of us who believe in the Judeo-Christian principles of repentance and forgiveness but who also feel compelled to condemn the President's conduct should be allowed to express that as an alternative to impeachment through a vote on censure. Unfortunately, the partisan majority in the House will not allow a censure vote in spite of the strong preference of a majority of the American people.

The principles of the "rule of law" and accountability would not in any way be abrogated if the House failed to impeach, voted for censure or did neither. For the President is still subject to indictment, prosecution, trial, and conviction of any possible law violation. He could face imprisonment just as any other...
Mr. KNOLLENBERG. Mr. Speaker, I know a number of Members have had some great difficulty in coming to the conclusion, the struggle to come to a decision. One of those I thought did an outstanding job this evening, the gentleman from Mississippi (Mr. JAY DICKEY), who probably exemplifies greater difficulty than all of the rest of us. So I salute the gentleman from Arkansas (Mr. DICKEY) for those comments.

In my opinion there is no doubt, however, that the President's conduct rises to the level of impeachable offenses. To protect his political livelihood, this President has subverted the rule of law, lied to the American people, and manipulated his staff and members of his cabinet to perpetuate his lies. These crimes are felonies that deserve the most severe penalty provided by the Constitution.

Moreover, recent events have brought into the question the President's ability to lead. I have come to the conclusion that President Clinton does not possess the character or the judgment to occupy the highest office in the land.

This president has violated his oath of office, betrayed the trust of the American people, and demeaned the institution of the presidency. I implore my colleagues to vote for the impeachment of William Jefferson Clinton.

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

Mr. WALSH. Mr. Speaker, today I intend to vote for impeachment based on the carefully considered evidence. The facts are clear. The charges are true. I believe what is at stake is our system of government.

I have read the reports of the House. I have been contacted by many concerned citizens. I have met with Members of the White House. I have read the words written by John Adams, the first President to live in the White House, in a letter to his wife Abigail. I pray Heaven to Bestow The Best of Blessings on THIS HOUSE and on All that shall hereafter Inhabit it. May none but Honest and Wise Men ever rule under This Roof.

President Franklin Roosevelt had these words inscribed into the mantle as a constant reminder of the profound responsibilities of its occupants.

Our nation and the freedom it represents—the freedom American servicemen and women are currently protecting—are based on the rule of law. A basic principle on which our system of government rests is that we all stand as equals before the law. If we allow our judicial system to be eroded by not expecting the truth to be told, then we are putting our constitutional system of government at risk.

If our nation is to remain strong, it must be based on a rule of law and a respect for the sacred trust that goes with public service.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG asked and was given permission to revise and extend his remarks.

Mr. PICKERING. Mr. Speaker, it is with malice toward none and forgiveness of individual failures, but with a love of the law and our country, I will vote for the articles of impeachment.

Yesterday my fifth son was born. I held before me my legacy. I celebrated his birth. I wondered what country he will inherit. What standard will we set for him, what example today?

For each reaffirmation of the rule of law, we have a new birth of freedom. But if we say with our actions that perjury and obstruction of justice and truth do not matter, then we lose our way. For all of these reasons and more that I will submit for the Record, I will vote for the articles of impeachment.

Mr. Speaker, this week has provided me with the full range and intensity of emotions. Today, I mourn—our Nation mourns as we debate the tragic and difficult question of impeaching our President.

Yesterday my fifth son was born and with him all the wonder, amazement and celebration of new life. The doctor allowed me the privilege of actually guiding my child from his mother into this world. I was the first to touch and hold James Harper Pickering.

Whenever we are confronted with the beginning—or the end of life it reminds us of a larger, transcendent force and causes us to evaluate and examine our purpose—our meaning—our legacy.

What will be my son’s future, what kind of country will he inherit, what values and standards will guide him, his generation, his future.

In the same way—what guides me in this difficult decision before us today?

In 1963 a young man at the age of 26 won the nomination to serve as a county (prosecuting) attorney in Mississippi’s Jones County [from 1964–1968]. On his election day, his son was born.

These were difficult and turbulent days for our Nation and in particular for Mississippi. These were days filled with violence and lawlessness.

In an act that was rare for elected officials at that time—he organized a group of local officials to publicly condemn the KKK violence and intimidation and called upon the community to support the rule of law.

During the trial of Sam Bowers, the imperial wizard of the KKK, for the murder and fire bombing of Vernon Dahmers, this young county attorney testified against Bowers.

He was threatened physically and politically. But he didn’t back down from the principle of equal protection for all.

In 1968 he lost his next race.

The polls of that place and time were against him. But, his principles stood the test of time. His courage and conviction give me an example which makes me proud. His legacy guides me today.

For that young county attorney, now a Federal judge—continues to defend the rule of law, administer justice and ensure equal protection for all—he is my father.

As I held my son yesterday—I prayed I would provide him with he same legacy. That
just as our founders and generations since fought to preserve the rule of law and with it our freedom, it is our duty today to honor their legacy. And, for our sons and daughters our obligation to leave them a rich inheritance of which they can be proud.

We must also demonstrate that it does not matter if you’re a civil rights worker or a working woman—struggling against sexual harassment—you are guaranteed equal rights under our Constitution, the right to a fair trial—free of corruption of perjury, witness tampering and obstruction of justice.

Abraham Lincoln stood at Gettysburg and called for a new birth of freedom. From this tragedy—we can recommit ourselves to the rule of law and the faith in our country to endure. We can send a message to all the Presidents that will follow, to ourselves and to our children—tell the truth—keep your oath—none is above the law.

It is with malice toward none and forgiveness of individual failures but with a love of the law and of our country, I will vote for the articles of impeachment.

We must do our legal business before us. With each reaffirmation of the rule of law we have a new birth of freedom—but if we say with our actions that perjury and obstruction of justice and truth do not matter then we can begin the long, slow death of our land and law. In the play "Lysistrata" the last line captures the essence of this debate: "The laws of this country are the great barriers that protect the citizens from the winds of evil and tyranny. If we permit one of those laws to fall, who will be able to stand in the winds that follow?"

I believe by our action today and tomorrow we can stand in the gap and hold up the barriers that protect us all. Even if the polls of this time may be against us—the principles of this action will stand the test of history.

And as my son holds his son or daughter—I pray, he too will thank those who went before him.

Ms. LOFgren. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. Minge).

Mr. MINGE. Mr. Speaker, I joined 30 Democrats in casting a controversial vote last month. I voted to send the Starr report to the Committee on the Judiciary without strict time or subject matter restrictions. I was committed to avoiding partisanship. Traditionally, however, that effort to advance nonpartisan consideration of this momentous impeachment decision is today rejected.

Three quick points. One, the people’s body—owing the people a vote on the alternative they favor, censure.

Two, proportionality demands consideration of the alternative of censure, proportionality in the sense of the offenses alleged and the consequences sought.

Three, my Republican friends, they have even refused to accept the advice of President Ford and Presidential candidate Dole that we proceed with a censure or rebuke alternative. This is a tragic day when this option is denied us.

Mr. Speaker, over the past several months, the news media has inundated us with continuous coverage of President Clinton’s conduct. Over the past several weeks, the House Judiciary Committee has held hearings, considered evidence, and debated the merits of impeaching the President. Regrettably, the issue has distracted us from the many serious problems that confront our nation and the world. Equally regrettable is the highly partisan nature that has characterized this process.

I have endeavored to avoid this partisanship. Earlier this year, I voted for the Hyde resolution so that the Judiciary Committee could consider all relevant information and determine the scope and the duration of its impeachment proceedings. This was a controversial decision; I was only one of 31 Democrats to support giving the Committee that flexibility.

I took Chairman Hyde at his word that this process would be completed in the House by the end of the year. I was gratified to see justified imputation was not unfounded. As the Judiciary Committee votes on articles of impeachment this week, and with votes expected in the full House next week, I am glad to see this frustrating period in the House nearly behind us.

I want to once again voice my anger with the President’s initial conduct and frustration with his inability to clearly admit the wrongs he has committed and apologize for his deceptions. I believe that elected officials, especially the nation’s highest leaders, should observe the highest standards of conduct. Both the President’s improper relationship and the subsequent reliance on rigid legalisms in his own defense shows how that to touch he has been with the desire of the American people for honesty and contrition.

Although I was skeptical that the facts as they were known in August were sufficient to require the President’s removal from office, I joined the overwhelming majority of my colleagues to vote for the articles of impeachment this past December. I did not want to take a position on this important matter without both investigation and Committee consideration. I did not want to take a position on this important matter without both knowledge of all the facts and having an opportunity to test the standards and grounds for impeachment in the Constitution and in our nation’s history.

I also believe that since Congress is charged with acting in a judicial capacity in marking this decision on impeachment, it was important to avoid jumping to conclusions.

Unfortunately, the partisan jabs that seem to characterize the Judiciary Committee’s hearings and the expected party line voting gives this proceeding the appearance of politics as usual. If the American people were not cynical before this point, the Committee’s behavior must have pushed public opinion over the edge.

In recent days, as I deliberated about my vote, five considerations were important to me. First, the President’s conduct is wrong and cannot be tolerated. It contributes to undermining the moral fabric of our society. It gives young people the impression that anything goes. There must be consequences to his behavior.

Second, the facts are not really in dispute. The role of the House as the determer of probable cause has been altered by the recognition that the real issue is the consequences of obvious actions.

Third, the President’s behavior, although immoral and deceptive, did not in my opinion involve his official duties as President or constitute dramatic and severe criminal conduct that demands prosecution during his term in office. In my mind, the framers of the Constitution set these thresholds to be met for impeachment to proceed. I do not believe he abused his powers in asserting executive privilege or obstructed justice through official channels. Although illegal and subject to prosecution, the perjury allegations in this case do not demand immediate prosecution.

Fourth, there are alternative consequences. There is public rebuke or censure by Congress. There are mone tary payments that can be required. There are criminal prosecution for perjury. And there is the personal tragedy, the humiliation, the family embarrassment, and the destruction of the historical record of a talented, energetic man who has given much to his country.

Fifth, finally, and most importantly, we cannot let the passion for vengeance overwhelm the best interests of our nation. Impeachment has a checkered history. There have been eight attempts to use it against Presidents. In seven cases it was clearly political. John Tyler, Andrew Johnson, Grover Cleveland, Herbert Hoover, Harry Truman, Ronald Reagan, and George Bush. In October, former President Gerald Ford wrote a persuasive analysis of the Clinton impeachment question in which he stressed the importance that institutions of government that can occur if a President is forced out. As the Republican Vice President that succeeded President Nixon, he concluded: "I care more about preserving respect for those institutions than I do about the fate of any individual temporarily entrusted with office." I agree with that sentiment, and as someone who deeply respects these institutions, I wish to put this episode behind us without doing further damage to our government and our nation.

Mr. Speaker, I will not vote to impeach the President. I would vote to censure him, or as urged by President Ford, require him to stand for public rebuke. This proceeding has distracted us from the many serious problems that confront America.

Ms. LOFgren. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Torres).

Mr. TORRES. Mr. Speaker, I rise in strong opposition to these articles of impeachment.
I come to the House tonight with great sadness and shame. I am sad because after 15 years, 16 years, actually, this will be my last vote tomorrow in the service of this great institution, I am forced to participate in a process which betrays the very ideals and fairness and justice upon which this institution was founded.

I am ashamed because history will record that this body, driven by rank partisanship and ideological zealotry, sought to depose the President of the other party, without due cause and against the wishes of the American people.

As representatives of the American people, we cannot, we must not, use our power to thwart the will of the people and trample upon their constitutional rights to keep a President of their choice. Sadly, that is what is happening here tonight.

James Madison said, a President is impeachable if he attempts to subvert the Constitution. This President has not. We ought not to impeach him. I oppose these articles.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. THURMAN).

Mr. THURMAN. Mr. Speaker, President Clinton, being merely human, gave in to lust. With the shame and embarrassment of that flaw being discovered, he deceived us. Those of us who voted for this man can forgive him. We can see what he has done, not only not indictment but across the world. We can see that this President has much more to give as a President.

But those on this floor who are calling for impeachment never voted for him, never supported him. They have pursued him relentlessly, and they cannot forgive or accept any imperfection in this man.

Just as lust and deceit are sins, so are hate and envy. Just 2 years ago, this House undertook disciplinary action against the Speaker for intentionally releasing information pertinent to the House Ethics Committee. The Ethics Committee recommended and this House adopted on a bipartisan basis reprimand over censure, a penalty which allowed the Speaker to stand for reelection.

I do not know how to reconcile the hypocrisy of the House in holding the Speaker and the President to two different standards. Let us recall what one of my colleagues said in opposing the Speaker’s reprimand:

Let us use the ethics process for political vendettas. Let us not create precedents that will only serve to undermine the service of this country. Let us stop this madness. Let us stop this cannibalism. Let us not fall victim to unrealistic expectations that do not forgive the common flaws of normal Americans.

That was the gentleman from Texas (Mr. TOLL) (Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise in support of holding Bill Clinton personally accountable for committing perjury before the grand jury.

Mr. Speaker, the House of Representatives is now considering Articles of Impeachment against President Bill Clinton. This is clearly one of the toughest and most significant votes of my career in public service and it carries major historical significance for our Nation. I do not take this decision lightly nor do I believe any Member of Congress should rush to judgment.

Since the allegations against the President came to light in January of this year, I have reserved judgment until I learned all the facts. This decision, on my part, to reserve judgment on the President’s conduct required me to wait until the House Judiciary Committee completed its work.

Over the past few months as the allegations against President Clinton have, many of my constituents raised real questions that I felt deserved answers. These questions included: why has Congress been forced to review the charges against the President? whether Bill Clinton should be held to the same laws and standards as other Americans? and why he was given responsibility as our Nation’s leading role model for America’s children should assume personal responsibility for his actions and how should I base my decision? on the opinion polls? or the principle of what’s right?

Only one person is responsible for the vote we have scheduled this week. It was Bill Clinton’s reckless conduct that forced the Nation to confront this issue. Had he come clean with America last January, a majority of Americans easily would have forgiven him for his reckless conduct. Instead, he chose to stonewall and later lied to a federal grand jury. Over the past several weeks, when several Members of Congress have urged him to tell the truth and admit he lied to a federal grand jury, he’s declined. Had he come clean in the beginning, we would not be here.

President Clinton and his partisan defenders have suggested that he should be held to a different standard than his fellow Americans. I disagree and note that Congress, in the last ten years, has voted to impeach and remove from office two federal judges who lied to grand juries of their peers. And only a few days ago, several Northwestern University athletes were indicted for lying to a federal grand jury regarding illegal gambling activities. No American should be above the law and that includes the President of the United States.

I’ve also had the opportunity to parents asking my advice on how best to respond to their children’s statements that it is okay to lie if the President says its okay to lie. Personal responsibility is a basic virtue for all Americans and the President must take responsibility. American school children have all learned the story of George Washington stating to his father that he could not tell a lie and admitting to cutting down the cherry tree. Which example will they now remember?

Now that the vote is scheduled on Articles of Impeachment against Bill Clinton for lying under oath before a federal grand jury of his peers, obstruction of justice and abuse of office, there are those who suggest I should base my vote, not on my convictions, but on the opinion polls. We must remember that early advocates of abolishing slavery, ensuring civil rights for all Americans and America’s entrance into WWII were not pursuing popular ideas. But Abraham Lincoln, Martin Luther King and Franklin Roosevelt did the right thing and adhered to their basic principles. I will not base my decision regarding this vote on popular opinion polls but on what I believe is right for America.

We must do the right thing for America. No one is above the law, and that includes the President of the United States. It is in the best interest of our Nation that the House vote to send to the Senate Articles of Impeachment against the President.

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

Mr. GILMAN. Mr. Speaker, I share the outrage and disappointment expressed by my constituents. However, the President’s actions violated our Nation’s trust. The debate is no more about sex than the Watergate debate was about a third-rate burglary.

This is a difficult decision for all of us. It is the most difficult of my tenure in the Congress. I thank my constituents who shared their views.

While none of us should minimize the gravity of this impeachment process, we must bear in mind that the House does not have the final word in determining whether any official should be removed from office. Referral of this issue to the Senate is not removal, but merely a finding of probable cause that a removable offense may have occurred.

Having fully considered the facts before us, reluctantly I have come to the conclusion that probable cause exists. Accordingly, I shall be voting in favor of at least one of the articles of impeachment.

In closing, I note that though I support the articles of impeachment, I am not convinced that the President should be removed. In fact, that decision can only be made after a fair trial in the other body.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, asking and was given permission to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, during the impeachment inquiry, many of those who have stood against the President have been targeted for personal vicious personal attack. The gentleman from Indiana (Mr. DAN BUR- TON), the gentlewoman from Idaho (Mrs. HELEN CHENOWETH), the gentleman from Illinois (Mr. HENRY HYDE), a Democrat, the gentleman from Pennsylvania (Mr. PAUL MCRALE), and yes, the gentleman from Louisiana (Mr. BOB LIVINGSTON) all have been made to suffer.

What we have experienced on Capitol Hill is consistent with the threats and
intimidation endured by each and every one of the women claiming to have been used and abused by the President of the United States. I will submit for the RECORD the names of seven such women, the last being Kathleen Willey. Kathleen Willey disappeared, and then had a skull of an animal put on her front porch when she was supposed to testify. Then a jogger comes by and starts talking about her children, and where is her cat, and then says, did you get the message?

Mr. Speaker, I will vote for impeachment because the President is guilty of perjury and lying under oath, and lying to a grand jury, and all the rest. Impeachment is another way of reaffirming certain standards and principles. America today is in dire need of reaffirmation of a commitment to truth, justice, and to fundamental human decency.

Mr. Speaker, I rise today in support of all four articles of impeachment against the President of the United States. My vote will be based upon the Judiciary Committee's findings that our President committed perjury and lied under oath.

Although the debate in which we engage is of monumental consequence, and being so, is to some degree contentious, let me suggest that I do not sense a high degree of personal hostility in this chamber. Even for a hothead like me, and I know I can be far too frank at times, I have not sensed ill will between Members, and have instead had some friendly exchanges and given and received some heartfelt wishes for the holiday season.

One might note that between Members of the House of Representatives this is about as amicable an impeachment as one could expect, all things considered.

With that said, however, there is another more sinister dimension to the impeachment crisis. An ugly cloud of intimidation is evident here in Washington. Over these last few months many of those who have stood in opposition to the President have clearly been targeted for vicious personal attack. This ruthless campaign of intimidation is unprecedented.

The Government Reform and Oversight Committee then investigated its implications when its chairman, Dan Burton, was put in the bulls eye. Helen Chenoweth, Henry Hyde, Democrat Paul McHale and yesterday Bob Livingston, all have been made to suffer. In the case of McHale, the muddslingers couldn't even get their facts straight.

What we've experienced on Capitol Hill is consistent with the threats and intimidation endured by women who may have been in a position to make embarrassing allegations against the President. At first it was treated as if—of—the women were labeled as bimbos. But now it's more serious and no one is laughing. Each and every one of the women claiming to have been used and abused by the President has been threatened, smeared, or victimized. Elizabeth Gracen; former Miss Arkansas, Sally Purdue; Paula Jones; Dolly Kyle Browning; Jennifer Flowers; and Monica Lewinsky.

Kathleen Willey. Her cat disappeared and an animal's head appeared on her porch shortly before she was to testify. Then outside her home a jogger came by and asked what happened to her cat and made mention of her children, then asked if she got the message.

My fellow colleagues, I will vote for impeachment because I believe the President is guilty of perjury, lying under oath, and lying to a grand jury and the rest.

Impeachment is another way of reaffirming certain standards and principles. America today is in dire need of reaffirmation of our commitment to truth, to justice, and to fundamental human decency. Thus I will vote for impeachment.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. Gilchrest).

Mr. Speaker, this debate is about the principles of equal justice under law, as the gentleman from Illinois (Chairman Hyde) so eloquently stated in his sad and magnificent speech. It is fundamental to our liberty that no one is above the law. It is absolute despotism that a crime for one person is not a crime for another. The words in an oath in our judicial structure are inviolable. No one can be selective when they are under oath to tell the truth. It has been written that language is the essence of law, and law is the essence of liberty.

The President is at the epicenter of this storm. Its duration and tenor have always been under his control. To quote Emerson, the last line of his essay, Self-reliance, "Nothing can bring you peace but the triumph of principles." Mr. Speaker, this debate is about the principles of equal justice under law.

Ms. Lofgren. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. Berman).

Mr. Speaker, if Members followed the Committee on the Judiciary proceedings, they already know that I strongly oppose impeachment. Given the totality of the wrongdoing and the totality of the context, the allegations of misconduct do not rise to the standard required for impeachment.

With apologies to those who heard my statement in the Committee on the Judiciary proceedings, they already knew that I strongly oppose impeachment. Given the totality of the wrongdoing and the totality of the context, the allegations of misconduct do not rise to the standard required for impeachment.

The corrosive effects on American culture and America's legal system of allowing the President to serve out his term have been overstated. The President's defense is very troubling. His grand jury testimony, his public statements following the grand jury testimony, his agents' public statements are more egregious than any wrongdoing a President could ever be accused of beginning to begin. Alice in Wonderland-like notions pop into my head, watching someone so smart and so skilled, so admired by the American people for his intellect and his talents digging himself deeper and deeper and deeper into a rabbit hole, and us along with him.

This spectacle troubles many and may motivate many of the calls for impeachment. People do have a right to ask, what will America's children believe about reverence for the law, about lying under oath? Many thoughtful Americans wonder whether the deconstruction of our language will damage the culture. What will happen if we no longer have a sense of what is true or not true because, after all, it depends on what your definition of "is" is. Of course, there has been and there will be harm to our culture and the legal system. But let us keep it in perspective.

While not above the law, the President, the most powerful man on the planet, the man who has control over our nuclear weapons arsenal, the man whom we invest with the authority to protect and defend the interests of the people of the United States, indeed protect all of civilization, is a special case.

Everyone is equal under the law, but we make special provisions for one person, while he is our President. Few would dispute the fact that the President is immune from criminal prosecution during his term of office. Many would argue that a wise Congress should pass legislation to immunize future presidents from criminal prosecution during the term of their office. We invest the Secret Service with the responsibility of taking the bullet so our Commander in Chief will serve out his term.

That the President's conduct is not impeachable does not mean that society condones his conduct. In fact, it does not mean that the President is not subject to criminal prosecution after he leaves office. It just means that the popular vote of the people should not be abrogated for this conduct when the people clearly believe that this conduct does not warrant that abrogation.

Most Americans know and will teach their children to know that conduct that may not be impeachable for the President is not necessarily conduct that is acceptable in the larger society.

Those who argue that the institutions of government or the fabric of our society will be irreparably harmed if we fail to impeach the President seriously underestimate the American people. America is too strong a society, American parents too wise, the American sense of right and wrong is too embedded to be confused.

Many would argue that a wise Congress should pass legislation to immunize future presidents from civil litigation during the term of office. We invest the Secret Service with the responsibility of taking the bullet so our Commander in Chief will serve out his term.

We all know that the word "is" has a common sense meaning. We all know that lying under oath is wrong and could get us in a lot of trouble. I ask those of you who sincerely believe in law and order, who believe in our Federal system, in delegating the role of the individual and of individual responsibility, do you really want to impeach a popularly elected President to teach our children a lesson?

Former First Lady Barbara Bush said, your success as a family, our success as a society depends not on what happens at the White House but what happens inside your house.
Impeachment is not a substitute for good parenting or personal moral values. I ask those who are open to a second thought to rethink this issue. Impeachment is not the proper vehicle for symbolic gestures. These articles of impeachment because I do not think the misconduct of the President was a threat to the Nation.

I will respond to the understandable concern that has been expressed here tonight by those who support the articles and those that oppose them about the effect on the rule of law. This President, upon leaving office, will be subjected to criminal prosecution for having lied under oath. This is not just a theory. There will be accountability here. The independent counsel statute, which Congress was wise enough to let expire, specifically provides that the current office of independent counsel will continue to exist past the duration of the Clinton presidency. This office of the independent counsel, who no one has criticized as not being sufficiently aggressive, will in all likelihood be charged with the responsibility of making that decision whether to prosecute. The President will be held accountable in a criminal court of law where a jury will have the right to determine whether he has committed perjury. That is a separate consideration from impeachment. We will uphold the rule of law by the President being subjected to criminal prosecution. But the President’s behavior does not rise to the level of an impeachable offense. We will also be held accountable for having deprived this body the opportunity to vote for censure in lieu of impeachment.

Mrs. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to the articles of impeachment because I do not think the misconduct of the President was a threat to the Nation.

I will respond to the understandable concern that has been expressed here tonight by those who support the articles and those that oppose them about the effect on the rule of law. This President, upon leaving office, will be subjected to criminal prosecution for having lied under oath. This is not just a theory. There will be accountability here. The independent counsel statute, which Congress was wise enough to let expire, specifically provides that the current office of independent counsel will continue to exist past the duration of the Clinton presidency. This office of the independent counsel, who no one has criticized as not being sufficiently aggressive, will in all likelihood be charged with the responsibility of making that decision whether to prosecute. The President will be held accountable in a criminal court of law where a jury will have the right to determine whether he has committed perjury. That is a separate consideration from impeachment. We will uphold the rule of law by the President being subjected to criminal prosecution. But the President’s behavior does not rise to the level of an impeachable offense. We will also be held accountable for having deprived this body the opportunity to vote for censure in lieu of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, we either respect the Constitution and the rule of law or we do not. It is as simple as that.

What is the test for impeachment? The test is not disappointment. It is not disapproval. It is not even moral outrage. The test is set out clearly in the Constitution. The Constitution says that one can be impeached only for misconduct in the performance of official duties that endangers our system of government. No such allegations have been made, no such evidence has been presented. No such burden has been met.

Certainly the President’s conduct is disappointing. But ask yourself this: What effect does the President take in his official capacity as President of the United States that endangers the government of the United States? I believe the answer is clear.

We are in a defining moment in American history. We stand today a lame duck Congress poised to impeach a President for unconstitutional reasons, along partisan lines, in the middle of an armed conflict. What could be more demeaning to the President than that?

We are legislators, not investigators. Let us conclude this matter in accordance with the Constitution.

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

Mr. MCKEON. Mr. Speaker, I rise in support of the impeachment of the President.

Mr. Speaker, today I rise to echo the words of our forefathers who once held the highest office in our land. The advice that they have provided is among the best that our nation has ever received. I would like to share with you two phrases from our first two Presidents—think they ring true today more than ever.

In his farewell address, President George Washington underscored the importance of having leaders tell the truth. He said, “Where is the security for property, for reputation, for life, if there be no trust? The man whose conscience tells him that he is dealing falsely, who cares whether he deals with a king or with a citizen?”

On his second night in the White House, John Adams wrote the following, “I pray Heaven to bestow the Blessings on this House in all the important services you are called to perform. You may not be honest but Wise Men ever rule under this roof.”

In my opinion the issue of impeachment is simple: should we have two systems of justice, one for the President and one for everybody else? Where is the fairness for the people who are convicted of perjury every year and sentenced to detention?

What a shame that today this Congress must revisit these issues because President Clinton failed to follow the advice of these very wise men. I will be casting my vote to impeach on all four articles today, I will keep in mind these words. I will also keep in mind that the impact of my vote today will ring true to all generations for years to come that perjury has no place in the highest office of the land.

Mr. SENSENBRNNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of the articles of impeachment. These three hallowed words reverently dictate what you ought to be, what you can be, and what you will be.

Instead of admitting his mistakes and facing his duty as leader of this country, he has failed to lie under oath.

The president shirked the very duty that is encouraged and expected in our armed forces.

Mr. Speaker, oh, that it would be so simple to say that this matter is just about lying about a sexual affair.

What we are faced with today is a President who, instead of embodying duty and honor—decided to cover up his mistakes and bring others along with him to perjure himself. They are lying up under oath.

What a shame that today this Congress is asked to consider this—build courage when courage seems to fail.

The issue we are confronted with today deals with this courage.

It is about upholding our democracy, our rule of law and the very honor and duty that U.S. military men and women fight for as we speak.

It takes much courage to choose a painful and difficult right over the simpler wrong.

Mr. Speaker, oh, that it would be so simple to say that this matter is just about lying about a sexual affair.

There is a much deeper issue at stake here. After all the talk of sending a message to our service people abroad—who have learned every day to put their lives on the line for as we speak. It may be that the Commander in Chief of these same soldiers treats the words—Duty, Honor, Country?

Let me first say, * * * Everyone makes mistakes.

We are legislators, not investigators.

The next excerpt from the MacArthur quote I shared earlier refers back to the three words—Duty, Honor and Country.

He said, “These are your rallying points—to build courage when courage seems to fail.”

The issue we are confronted with today deals with this courage.

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There is a much deeper issue at stake here. After all the talk of sending a message to our service people abroad—who have learned duty and honor and sacrifice experiences and results.

Yes—today there are service men and women fighting for their country.

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It takes much courage to choose a painful and difficult right over the simpler wrong.
As our troops must preserve the freedom we enjoy, so this legislative body is bound by the Constitution which has sustained this great nation in all of our 200 years.

The President—the Commander-in-Chief’s actions—compel us to act.

We are not driven by politics—but by the only benchmark we have—the rule of law—our ultimate code of honor.

These moments could not be more important—for our history—or to our future.

These words never held so much meaning: Duty, honor, country.

This is indeed a sad day for America.

I intend to vote for the articles of impeachment.

I ask unanimous consent to revise and extend my remarks.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH).

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

Mr. LEACH. Mr. Speaker, I rise in reluctant support of two of the four articles of impeachment.

For a long time I have thought the character issue surrounding this President deserved political and legal accountability, but assuming he fell short of acquiring a Constitutional remedy, I have concluded, however, that I have no choice but to vote for two of the four Articles of Impeachment—specifically Articles I and II, those dealing with perjury. My reasoning is straightforward.

The President has committed crimes and misdemeanors. The question that perplexes each of us as Members and the public at large is whether these crimes and misdemeanors are “high” enough to meet the standard required by the Constitution.

The defenders of the President have suggested that lying about a fundamental privacy invasion may be the most important thing that the American citizen has ever been granted. This is the case with the gentleman from Iowa (Mr. LEACH).

Mr. LEACH asked and was given permission to revise and extend his remarks.

At the core of the President’s Constitutional responsibility is his duty to “take care that the laws be faithfully executed.” It is hard to conceive of an offense that more clearly violates—and is more clearly relevant to—this core responsibility than perjury, which, if left unchallenged, would destroy the rule of law. By lying under oath to the Courts, the President violated our Constitution and subsequently before a federal grand jury, the President not only failed to “take care that the laws be faithfully executed,” he acted to subvert the law itself.

A situation simply cannot be tolerated in which the highest officer of the Executive Branch is called before a judge and orches-trates a cover-up constructed of fraudulent half-truths, misleading omissions, and deliberately spun webs of deceit. While the Judiciary has mechanisms by which it can defend the integrity of its processes, what is unusual in this particular impeachment proceeding is the prospect of Congress taking action to right the balance between two branches of government, in this case the Executive and the courts.

Because it is a referral of the Office of Independent Counsel which obligated Congress to assess whether actions of the President rise to impeachment proportions, it should be understood for the record that it was the Justice Department and the Fourth Circuit, rather than Congress, which precipitated the independent counsel’s review of perjury related to the President’s private life. While Congress called for, and the President explicitly, though reluctantly, approved the appointment of an independent counsel to investigate the White Water matter (which, to date, has yielded convictions of 14 individuals on 41 criminal counts), it was the Attorney General who directed the Counsel to widen his probe to include aspects of the civil suit brought by Paula Jones, and it was the Supreme Court which allowed the suit to go forward during the President’s tenure.

It is important to separate Congress from a call for a review of aspects of the personal life of a President because of the terrible precedent it would set. It is also important for Congress to ponder that the future presidents should be subject to civil actions during their terms for which intrusive depositions may be in order.

The Independent Counsel’s probe has been too long, too expensive, and too intrusive. I have great qualms about the seamliness and precedent of some of the tactics of the Independent Counsel’s office, particularly the use of and potential resort to further surreptitious tape recordings to gather additional evidence against the President. Nonetheless, the results of the Counsel’s probe cannot be dismissed.

The underlying acts under review have de-meaned the office of the President, debased the public dialogue, and eroded the President’s moral authority.

Impeachment should neither be used to punish the President nor to settle political scores. Indeed, its consideration should only proceed with the goal of protecting the office by replacing a disillusioned occupant with an individual of unsullied character. This is the case today.

Conviction by the Senate on impeachment charges at this time in this circumstance would represent less an overturning of a democratic election than a reaffirmation of the strength of the processes of governance, the putting in place of a new leader of the same party and philosophically bent as the President.

While the lines between the political parties may have become accentuated in an impeachment vote, the end result of a successful impeachment would almost certainly redound to the political advantage of the President’s party and—more importantly—to the country.

In fulfilling his Constitutional duty to lead the United States government, the President has an implicit obligation to stand as the apotheosis of American values. While ethics are an integral part of the human condition and at bottom a matter of individual responsibility, an American President must be above demeaning behavior and free of any shadow concerning allegiance to the law and to the truth. To hold otherwise is to assume we are neither a nation of laws nor of moral values.

In the final measure, what is at issue regarding the possible impeachment of the President is the question of relativism versus absolutism. Relatively speaking, perhaps more serious than adultery—the U.S. role in the Bay of Pigs invasion, the true nature of Gary Pow-ers’ mission to Russia in a U-2 spy plane, and the details of the arms-for-hostages trans-action that was at the heart of the Iran-Contra affair, to name a few.

On the other hand, none of these circumstances involved Presidential fabrications made under oath. Since the country’s founding, oaths have implied a moral and Constitutional affirmation, moral in the sense that our founders justified the American revolution with an appeal to higher authority than British civil law, establishing a Republic under, not above, God; and Constitutional in the sense that the oaths of office were premised on the notion that truth-telling was critical to the functioning of a social and political order.

What distinguishes President Clinton from his predecessors in this regard is that, relatively speaking, the acts under review may not represent as great umbrages to our sys-tem as certain others, but lying under oath amounts to an absolute breach of an absolute standard.

While it is never acceptable for elected officials to mislead those who have given them a solemn public trust, it is the element of lying while under oath that raises the President’s situation to a constitutional dimension. Future Presidents who raise their hand and swear an oath to God to tell the truth in a judicial proceeding and then offer false testimony should recognize that the prospect of impeachment would loom, because such conduct is an affront to the rule of law by which all citizens must abide.

There is a view among Constitutional ex-perts that perjury is an impeachable offense but that it does not necessitate impeachment in every instance. This is the case for a number of reasons. The issue of motivation and of consequences must be taken into consideration.

The philosopher Isaiah Berlin notes that in a pluralistic society values are often in conflict. It...
In setting these views forth, I would like to underscore that there has been no issue in my time in public life in which the public has been more universally informed, nor more thoughtfully in its judgments. The evidence for this assertion is contained in the comments which follow, the first body of which relate to those exercises of impeachment, the second, sentiment against.

For Impeachment

"I am a police officer in Cedar Rapids. As such, I know that if I were to give the type of testimony that President Clinton gave, I would be indicted for perjury." I am a retired military officer, so integrity is an issue that I hold high. It was ingrained in me that I should never use my authority in a manner in less than honorable behavior. I'm saddened to see the presidency undergo yet another assault on its powers and prestige due to the behavior of the very human incumbent.

"Clinton was told unanimously by the Supreme Court that he could be sued by Paula Jones. Whether you think Jones had a case or not (personally I don't), he can't be allowed to just do whatever he wants in the courtroom." I have in the past admired your ability to vote your conscience—please do the same here and respect the law as the standard to which we all must be held. To do otherwise will create the precedent that I believe, will undermine the judicial system and all that our Constitution stand for.

"If impeachment fails, we will have established a new class of criminally immune political elitists." "Allowing him, as the Chief Law Enforcement officer of the United States, to place himself above the law will set a terrible precedent for the future." "Bill has violated the trust of America." "Clinton has immolated himself." "To allow the impeachable actions of the president would cheapen the laws on perjury and obstruction of justice and hasten the disastrous moral decline of America. Censure is insufficient." "Even the President is not indispensable, especially one with a track record as a principled officer of the Constitutionally unwavering government."

If he was any other person in the United States, he would have been charged.

"Although it is very regrettable that events have come about that would urge you to vote for impeachment of the President." "Our leaders should be held to a higher standard, perhaps even higher than the regular citizen because of the high offices they hold." "I just believe he is the President and if he does not give him the right to get away with breaching the law."

"As the father of an 18-year old son, who has seen the sorry story of the Whitewater incident, the cloning issue, I urge you all to vote for impeachment because he lied."

"We're offended by Clinton's actions. He continually side-steps the perjury and obstruction issues in his statements. To us, these actions show his arrogance and disrespect for the people, for the office, and for the system."

"What are we to think about a person whose judgment is so skewed and who seems willing to do anything to remain in office? We cannot trust him any longer . His will is no good and it is not fair sufficient reason for the law to be completely gone."

"I have not been more than five years in office, I would end up with a President of his manifest character. Please help Mr. Clinton step aside.

"I haven't always agreed with your decisions, but I have always respected your ethical and moral stand on your decisions. Please vote for impeachment. This is the ethical thing to do. If you do otherwise, you are saying to the people that there is a double standard before the law for those who are in power or have the money to muddle the truth."}

For No Impeachment

"I am urging you to vote for impeachment. I believe this is the only way to save the office of the Presidency."

"If the law is to ever again be enforced in America, there must be the certainty that the president be held accountable for these actions."
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“We feel that the question here is whether the President is a citizen who must live under the same laws that govern all the rest of us, or whether he will be treated like a king. It is with both these factors that I must consider the first two violations that we face today. First, we have had the公然 dispensing of laws real with real consequences or can citizens be expected to live within them if the laws they wish to neglect or escape without consequences since it’s only about sex and every one lies about it? ”

“In the Constitution, the law of the land, and preserve the integrity of the United States, I believe there are times in which Congress must follow the law, not only the majority wishes of the constituents. I believe this is one such time.”

“I feel the President must be impeached. I am now convinced that there isn’t anything the man won’t do or say to get what he perceives to be in his best interest. The man is completely without moral compass moral compass, a quality that should be one of the greatest strengths of this highest of offices.”

“After seeing the evidence, I believe that President Clinton committed the crimes that he is to be impeached. We voted his oath of office to faithfully execute the laws. I believe that short-term inconvenience of the Senate trial is insignificant compared to the long-term damages to the rule of law and the constitution that not voting for impeachment would cause.”

“I’m a history teacher, and my students always feel honesty is one of the most important characteristics of a leader. What message will our government send the President that he can stand if he does wrong and just because he is the President? President Clinton. We were pleased with his performance in his first four years in office, and gave him our vote of confidence in the 1996 election. I feel the heart needs to be shown that we now ask that you vote for his impeachment. It is our opinion that he has abused the power of his office, obstructed justice, and should not use the power to his advantage (if a professor had a sexual relationship with a student, the professor would lose his or her job); and (3) the president should be expected to comply with the same laws as everyone else.”

“Many Clinton supporters seems to think the terms ‘high crimes and misdemeanors’ are one and the same. I think they are separate, distinct, and perhaps not merely committed treason or what could be considered a high crime (such as murder or bribery), he has most certainly committed very serious misconduct against his office, his oath, and his country.”

“Oaths are critical to the system of liberty in place in the Constitution. If we abandon them then liberty is in constant jeopardy; it has no support.”

“In committing perjury, Clinton deprived everyone entitled to the truth under the law of our right to hear the truth in court. I have had to give depositions in product liability litigation and, although I would like to have told the plaintiff’s attorneys that their questions were not relevant, I could not, and had to answer their questions truthfully. All of the questions put before Mr. Clinton in his deposition were legitimate and relevant to a citizen’s legal grievance.”

“Mr. Clinton’s actions are allowed to stand unchecked by the remedy of the Constitution, the office of the President is given extraordinary powers disproportionate to the other branches of government. He is more important than personal belief and the country. presidents, courts, or juries. How much lying does it take before we call it lying? Do we accept the arguments of a man who apologizes profusely in the face of duress, but offers no admission of guilt and has not been held accountable? I chose to risk my life and live up to the obligations of my oath rather than disgrace it.”

“In our country, no one should be above the law—we are all equal and have no monarch.”

“We are told that Kelly Flynn was court martialed because she lied about her adulterous affair. I am unable to understand why we cannot hold the chief law enforcement officer of this country, and commander in chief of the armed forces, to the same standard as we can hold a single Marine. Before induction, I took an oath to defend the Constitution, an oath similar to the one Mr. Clinton took.”

“Remember that truth must always be served first.”

“Many Clinton supporters seems to think the terms ‘high crimes and misdemeanors’ are one and the same. I think they are separate, distinct, and perhaps not merely committed treason or what could be considered a high crime (such as murder or bribery), he has most certainly committed very serious misconduct against his office, his oath, and his country.”

“Oaths are critical to the system of liberty in place in the Constitution. If we abandon them then liberty is in constant jeopardy; it has no support.”
do we have in the White House? For him it is OK to lie to us and apologize for it later. NO—Whatever he did compromised the people of the United States. It boils down to him and did it under oath. Period.

"To lie and cheat on your wife is a despicable offense but none-the-less a somewhat personal offense. To repeatedly perjure yourself in a court of any legal system is simply put, a crime to be punished. Toleration of Bill Clinton's offenses will only lead us down a path of mediocrity and moral degeneracy.

"I am the mother of four children to whom I have preached that they should never tell a lie because it will become the truth and the punishment for a lie is far greater than the lie itself. They are grown up now and of voting age and they are telling me that they think he is a liar. Because the President of the United States, our role model, got by with it. Is this the message that you want to send to the American people and the world?

"This should be a lesson to any persons in high government, that no one is above the law in this country. This is what sets us apart from other nations. You cannot have two standards on how you think the rest of us (tell) the truth?

"Not to proceed with [impeachment] is doing a great disservice to the rule of law in this country. It will effectively set a double standard.

"If Mr. Clinton were a member of the armed forces, he would have faced a court martial and have been dishonorably discharged a long time ago. As the Commander in Chief of our armed forces, shouldn't he have to adhere to the same standards as those he supposedly commands?

"I am a freshman at the University of Notre Dame and have been following the impeachment process occurring in recent days, and I feel it is imperative that we as an American people show the world that we will not tolerate disregard for the law in the highest office.

"My wife and I are both teachers. How do we explain the fact that the President of the United States can lie—and get away with it. Please show us by voting to impeach Bill Clinton.

"If [the President] were to be placed under oath today in a civil suit, I'm sure he would still bend all credible interpretations of the truth, misrepresent, prevaricate, lie, and do whatever he could to escape being responsible for his actions. So for both my wife and I, we say impeach him; don't vote for censure.

"With great hubris, President Clinton has continued to obfuscate and mislead. He has used the awesome power of his office to muffle public opinion. For the President to get by with his lying and abuse of power would be a dangerous precedent for our highest office.

"The idea that all Republicans are just voting along party lines is disturbing. Democrats do the same. As a first grade teacher and parent of four sons (along with my husband), I feel anything short of impeachment is giving our youth the wrong message about right and wrong, truth and falsehoods, and marring their future.

"I don't believe in throwing out the baby with the bath water, but if you can't see how this president has hurt our country, our reputation, our respect for the law and the office of the president, etc., then you have completely lost my future votes.

"We are horrified that sexual encounters, lying under oath and his consistent lying in office are the reasons that cause the President of the United States, our role model, got by with it. Is this the message that you want to send to the American people and the world?

"I urge you to vote against the impeachment of the President. I voted against him twice. On the other hand, our party was twice voted out in fair elections.

"I have forgiven President Clinton."

December 18, 1998

CONGRESSIONAL RECORD – HOUSE

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the electoral process and the will of the people.

"We all recognize the farce conducted by the hard-line conservative right to destroy and discredit President Clinton. It is nothing more than a Lewis Carroll version of court without an Alice! Absurd and ridiculous! Where is our sense of proportion in all of this?"

"While I do think that some sort of punishment is called for, I cannot see the wisdom of an impeachment vote. President Clinton was weak and must go. He failed us. And he failed himself, but he has not misconducted himself..."

"If the nation is crippled by a Senate trial, if the country is plunged into a Constitutional crisis that seems more motivated by partisan vote and without public support is just a circus. Vote against impeachment."

"I believe President Clinton failed to act with the moral and ethics appropriate to his office or a person. However, I do not believe his actions directly affected his official duties and decisions. I also do not believe he abused the powers of the president to the degree necessary for impeachment."

"Please vote no on the impeachment articles. President Clinton has made a fool of himself, but he has not misconducted himself while in office. The prosecutor created the conditions for the alleged perjury and obstruction of justice by relentlessly pursuing the man into his private and personal life."

"I hope you separate yourself from the mob mentality. If you step back and use that Iowa common sense that I know you have, you will decide that though the President's actions are deplorable they do not rise to an impeachable offense."

"I look at the waste of time and money on this and it makes me angry. I am not angry at President Clinton. I am angry at the system that would let it get this far."

"The process has been very unfair. If there is no chance to vote to censure, the unfairness will continue. Can Trent Lott and Republicans who didn't want Nixon impeached, vote to now remove a Democrat president for lesser offenses?"

"If the Republicans continue to pursue impeachment, the American people will remember it at the polls."

"To regard Clinton's behavior, shameful as it is, as a threat to the country or the government, is ridiculous. He may be a bad example, but his difficulties should serve to keep others from his personal excesses."

"It is my belief our president, in his wrongdoing, has been the beneficiary of fear and lies and taken by any true understanding of the Constitutional standard for impeachment."

"While I realize that Congress has the constitutional right to overturn the will of the people, I don't feel that it has the moral right to do so."

"The facts don't justify capital punishment for this president."

"Enough is enough. Please stop this witch hunt."

"Some form of condemnation for the President's actions surely must take place, but not impeachment."

"I have always respected you as a fair and open minded representative who is not afraid to go where the evidence leads. Impeachment is a serious business as I am sure you are aware, and that if followed through to completion would nullify a democratic election and the majority of which do not support his process."

"It is not what the people want, not what the country or the world needs."

"It is an attempt by the majority party to reverse the vote of the people and remove the President from office. This has to stop."

"Stop the impeachment. Be inventive. Be a leader."

"We suggest that our nation desperately needs wisdom at this treacherous point in its history. We need a strong statement of confidence in our future."

"For the good of the country, vote against impeachment. Time to forgive and get on with the business of our country."

"The facts of the impeachment process to the Senate."

"Nullifying who the people vote in as their leader."

"Nullifying who the people vote in as their president. We suggest that our nation desperately needs wisdom at this time."

"We will it do to impeach him and throw out all of his works?"

"I agree that some form of censure should be meted out, but to put the country through a lengthy impeachment process would be painful to the country and without merit."
this effort. There are not. Impeachment as a political tool will undermine our entire political system and next time it could be a Republican president being forced out of office at the Democratic Congress. 

"every prosecuting attorney makes the decision on whether a case is sent to trial, based on the evidence including the probability of winning the case. A persecuting attorney who sends a case to trial with no probability of success will soon be voted out as it is the ultimate cost for the court system and wasting money. This case falls into that category. There appears to be no question of the outcome in the Senate, but to try the case would barely serve the Senate, the House, the White House, and all other parts of the government that depend on it. It would send the country into turmoil and add an unneeded diplomatic burden."

"While in no way condone Clinton's behavior, I don't believe it is in the best interest of the US to have this issue consume our agenda for the coming year."

"You have always had my vote because of your thoughtful and reasoned positions on the issues. Please continue in the face of this controversy. Many of the Republican members of Congress seem to be out of control on this issue and as such are not serving the people."

Please do your best within the Republican conference to push for the opportunity to vote to impeach the President. I stop the partisan behavior of some members of your party.

"Although I am personally disgusted by his behavior and disappointed in his refusal to admit his errors, I do not believe that his actions rise to the level of impeachable offenses. The standard for impeachable offenses at the level required by these articles, what president would be safe from future attack? I believe that the Founding Fathers would have considered impeachment as a last resort against a corrupt and dangerous executive who poses a threat to the nation."

I wish to urge you to stop this purely political impeachment. I hear you Republicans intend to vote on this issue to have this issue consume our agenda for the coming year."

"I do not believe in divorce * * * or impeachment. I will support you no matter what your vote."

Mr. SENSENBRENNER. Mr. Speaker, I stand today as a Democrat to ask the Republicans to do the right thing and support you no matter what your vote."

Mr. Speaker, in my line of work [acting] no one thinks you are a President for alleged untruthfulness, with or without serious or context."

I am calling as a friend of Hillary and as a supporter of the impeachment resolution. Mr. Speaker, my prayers go out to the servicemen and women and their families during this difficult time, including the EA6-B squadrons from Whidbey Island, in my district, that are actively participating in operation Desert Fox. I am proud of them. They are professionals in every sense. I know their ability to execute their missions will not be affected by the bleak deliberations here. They know where their support comes from. Clinton is an immensely talented individual. Working with him, we have achieved many fundamental reforms. We succeeded in dramatically reforming welfare, and over 3 million people have now moved to productive work. We restored the highway trust fund providing record investment in safety and infrastructure. And we enacted accountability on the IRS. All of these things we did together—A Republican majority and Democratic President. I have personally met with the President on vital issues before this nation and I agree we must forgive the President. Asolo for the actual case of impeachment with a heavy heart but a clear conscience. The President has perjured himself before a federal grand jury. The central principle that
defines this nation is the rule of law. I cannot walk away from my duty to hold the President accountable for his actions. I cannot hold the President to a lower standard than the federal judges who have been impeached and American citizens who have been imprisoned for the crimes they committed.

The President should follow his own suggestion during the Watergate trial. Bill Clinton said of President Nixon in 1974: "I think the president should resign and spare the country the agony of this impeachment and removal proceeding.

I regretfully urge the President to save this nation further pain and resign.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I was just talking to my dear friend, the gentleman from Michigan (Mr. CAMP) about how uncomfortable this situation is for all of us. Why is it that we are here? We are here because of our commitment to the rule of law and we are here because a great deal of courage has been demonstrated by a lot of people.

President John F. Kennedy wrote a chapter in "Profiles in Courage" about Senator Edmund G. Ross, who stood against his own party and did what he thought was right. And I will tell you, there are an awful lot of Members in this Congress who are doing the exact same thing.

I want to congratulate the gentleman from Illinois (Mr. HYDE) and all of the members, frankly, on both sides of the aisle of the Committee on the Judiciary for the hard work and effort that they have put into this process. We are doing this because we subscribe to the Burkean view that your representative owes you not his industry only but his judgment as well. And he betrays rather than serves if he sacrifices it to your opinion. This is about justice and the rule of law. Vote in favor of these articles.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, this is truly a troubling and difficult time for America as well as for each and every one of us in this august body. The history of this Nation has clearly shown over the past that it is reluctant, as it should be, to remove any individual duly elected by a vote of the American citizens, and this is not an easy task. It is not one that is done with any joy.

But it is my responsibility, along with everyone else in this room, and should be done with the material, the evidence and the charges brought to it. Like each of you, I take this very seriously.

It is not my duty to judge this President; it is the fact of his term in office. That is left to the United States Senate. The Committee on the Judiciary has brought charges to the full House of serious allegations against Bill Clin-}

{1}ton, which include perjury, obstruction of justice and efforts to suborn perjury, serious charges which I have poured over, studied and reviewed and have come to the conclusion that they are true. They are in violation of the laws of this land; that the President has sworn to uphold.

To all of my colleagues, let me say that impeachment is the strongest form of censure in the United States. No person is above the law.

For only the second time in the history of our nation, members of the United States House of Representatives are being asked to consider Articles of Impeachment against a sitting president. For only the second time in the history of our nation, the Judiciary Committee has brought these charges to the full membership of the House of Representatives to consider and duly vote upon their merits. The history of our nation clearly demonstrates a reluc-
tance, as it should, to remove any individual duly elected by the citizens of America.

This is not an easy task. It is not done with any joy—but it is done with the full knowledge that it is the responsibility of the United States House of Representatives to carry out the duties outlined by the framers of our Constitution. It is my responsibility, along with my colleagues, to decide what should be done with the material and evidence brought to me. I take this responsibility seriously. I take it with the full knowledge that our actions, as well as those alleged of our President, will be in the history books of our nation for hundreds of years.

It is not my job to judge the President; the framers of our Constitution gave that role to the United States Senate. It is not my duty to ultimately decide the fate of this President's term in office; that, too, is the obligation of the United States Senate. It is, however, my duty and responsibility to determine (1) if the charges brought before this body constitute impeachable offenses and (2) if sufficient evidence exists to warrant bringing the President to stand trial in the Senate on those charges.

The Judiciary Committee has brought to the full House of Representatives against President Bill Clinton. They are allegations which include perjury, obstruction of justice, and efforts to suborn perjury on the President's part. Such actions are not simply "personal wrongs." They are in violation of the laws of this land, the laws that the President has sworn to uphold.

President Clinton has talked numerous times about the average American who works hard and plays by the rules. That is what this impeachment proceeding is about. In the United States, no person is above the law. Not the President, not myself, not the people who send us here. No one is above the law.

I truly hate the idea of putting this country and its citizens through an impeachment proceeding. I know that the process distracts us from other duties. I know that casting a vote for impeachment is a serious and somber matter. However, the Constitution requires a specific course of action when charges like this are made and brought before the House of Representatives. Therefore, I must follow through with this because I believe it is the right thing to do.

Unfortunately, accusations of partisanship have clouded this process. But, clearly, the rule of law in our country is more important than any political party or any single individual, including the President of the United States.

Moreover, I recognize that impeachment is never politically popular. But the day I let polls and popularity overrule my judgement and the way I vote is the day I leave Congress. Over 30 years ago, another President wrote a book titled "Profiles in Courage" about eight members of the Senate who didn't do the "politically popular thing." The New York Times called his book "A thoughtful and persuasive account of political integrity." Political integrity must win over political popularity. Over 130 years ago, President Abraham Lincoln certainly didn't do the "politically popular thing" when he signed the emancipation proclamation, but he did what was right and just for America.

I am drawn to a quote that was made long ago by William Penn, who said: "Right is right, even if everyone is against it. Wrong is wrong, even if every one is for it." And, just an importantly, my Mother always told me: "The truth is great, but if a lie is deemed morally just, then do they exist side by side." Justice, like integrity, must always take precedence over popularity.

The House Judiciary Committee has brought four Articles of Impeachment against Bill Clinton for the full House. And throughout the course of this process I have judiciously and thoroughly reviewed all of the available evidence, researched the law, studied the Constitution, talked to legal scholars, attorneys and judges, and most importantly, listened to the constituents of the Second Congressional District of Nevada. Only after a great deal of reflection and thoughtful deliberation have I concluded that the following is the right course of action for the people I represent, the State of Nevada and the future of America:

I will vote for Article 1 of the Impeachment Resolution, because there is sufficient evidence to believe that President Bill Clinton willfully provided false and misleading testimony to the grand jury and the United States Congress. And that his testimony undermined the integrity of the office of the President, brought discredit on the Presidency, betrayed his trust as President, and subverted the rule of law and justice of the American people; and,

I will vote for Article 2 of the Impeachment Resolution, because the evidence is sufficient to conclude that President Bill Clinton knowingly and wrongly encouraged witnesses to give false and misleading testimony, attempted to secure employment for a witness in order to prevent the truthful testimony of that witness, engaged in and supported a scheme to conceal evidence that had been subpoenaed by a federal court. Through his conduct, President Bill Clinton attempted to obstruct justice in a manner subversive to the rule of law that has brought discredit on the Presidency and undermined the integrity of his office; and,

I will vote for Article 3 of the Impeachment Resolution, because there is substantial evidence that President Bill Clinton misled the American people by making false and misleading sworn statements in response to written requests as part of an authorized inquiry by the Congress of the United States. And that his misuse and abuse of his office and power has brought discredit on the Presidency, betrayed his trust as President, subverted the rule of law and justice, all to the manifest injury to the people of the United States; however,
I will not support, nor vote for Article 2 of the Impeachment Resolution, simply because I do not believe that the false and misleading testimony of President Bill Clinton in the Paula Jones lawsuit constitutes an impeachable offense as defined by the Constitution.

The rule of law is paramount in America. Each and every one of us must abide by and play by the rules. It is my belief that there is sufficient evidence that clearly demonstrates this President has not. Therefore, I conclude, reluctantly that these charges should be considered by the United State Senate.

This vote is between what is right and what is wrong. I cannot send a message to our children that would tell them it’s ok to lie if you are the President of the United States. This would not be fair for their future or the future of our great country.

This is a trying time for our Nation but it is one that was envisioned by our Founding Fathers. It is my hope this entire process will soon be resolved and the strength of our Constitution and the rule of law will prevail in the final outcome.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, in 1973, the House Committee on the Judiciary concluded that it could not impeach Richard Nixon for tax perjury, even though Nixon fraudulently signed this 1969 tax return under penalty of perjury. It then established a precedent, with then Congressman TRENT LOTT concurring, that impeachment of the President is not warranted except for misconduct dangerous to the constitutional system.

Some have erroneously claimed that the committee lacked sufficient factual evidence. I have distributed to all Members an exhaustive analysis of the 1974 hearings. The reason the Committee on the Judiciary rejected the tax article of impeachment against Nixon was set forth in 1975 by the very member of the House Committee on the Judiciary who authored the tax article. And he said, most opponents of the tax article felt that the willful tax evasion did not rise to a level of an impeachable offense requiring the removal of the President.

Mr. Speaker, I would call this House to order for the purpose of voting on Article 2 of the Impeachment Resolution.

As to our action in Iraq, the President is doing the right thing, at the right time, for the right reasons. That is why taking action at this time is supported by the Republican Secretary of Defense, by the Joint Chiefs of Staff, and the British Prime Minister—none of whom would risk the lives of American and British troops for the President’s political purposes.

And the House Majority is doing all this for partisan reasons. They want to use raw political power because they want to use raw political power to insure what they call a matter of conscience is determined by lame duck consciences.

Now I understand their partisan desire to achieve a political result before the new Congress takes over on January 3. But what I don’t understand is this: Why didn’t we adjourn today and convene on December 29th—and thereby give our diplomacy the time it needs to line-up allies?

The House Majority is doing all this for the wrong reasons.

The majority promised this matter would be decided on the merits, according to conscience. But we all know Colleagues who have had one arm twisted to affect their vote on impeachment, and the other arm twisted to ensure their silence about the twisting of the first arm.

And while we are told this is a matter of conscience, many of us are denied the opportunity to express our conscience, because we are not being allowed to vote on a resolution of censure.

It is argued that we cannot constitutionally censure the President. But in 1834 a U.S. Senate censured President Jackson. That Senate was comprised of individuals who had been actively involved in the process of ratifying our Constitution. The men and women who lived through the adoption of our Constitution never doubted for a moment that it was constitutional for either House to censure a President.

This Majority ignores the standards of impeachable offenses developed in the 1974 Nixon Impeachment Hearings. This Majority, through its timing of these hearings, places partisanship over the need to use diplomacy to secure landing rights necessary to minimize American casualties. And this Majority denies Members the right to vote for censure, as their consciences dictate.
Mr. Speaker, I would call this House a kangaroo court, but that would be an insult to marsupials everywhere.

December 17, 1998

NEWS FLASH 1974: JUDICIARY DETERMINED LIVING UNDER OATH IN PRIVATE MATTER IS NOT PERJURY -- A REVIEW OF NIXON TAX PERJURY ARTICLE

DEAR COLLEAGUE:

SUMMARY

In 1974 the Judiciary Committee established a precedent that a crime committed in private life (i.e., Richard Nixon's tax fraud) does not warrant the impeachment of the President. 1969 tax fraud, the Committee was swayed by the legal principles of finding an impeachable offense, not by the lack of factual evidence against Richard Nixon.

The crimes which the Judiciary Committee found did not warrant the impeachment of President Nixon are virtually identical to the perjury charges against President Clinton.

DETAILED ANALYSIS

President Nixon knowingly filed a 1969 tax return which fraudulently claimed that he had donated pre-presidential papers before the deadline and that he paid the real estate taxes for such donors. President Nixon, knowing his return was false as to this item, signed his name under the words: “Under penalty of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete.”

In July 1974 Edward Mezvinsky (D-IA), a Member of the House Judiciary Committee, introduced an Article of impeachment alleging that President Nixon had signed “Under penalty of perjury” a tax return which Nixon knew was false. While Mezvinsky argued that filing the tax return was an abuse of public power because Nixon knew his red-flag $576,000 deduction would not trigger an audit because he was President. However, most Committee members believed that Nixon’s false tax return was a “personal,” non-governmental crime, and thus did not warrant the impeachment of the President.

The Judiciary Committee voted 26 to 12 against impeaching Nixon for his false tax return.

Technically, Nixon committed “tax fraud” not “perjury” and was subject to prosecution under the Internal Revenue Code. Yet Nixon’s crime (covered by his pardon) was almost identical to the perjury of which Clinton is accused (and is referred to here as “tax perjury”)

1. Nixon signed a document under the words “Under penalty of perjury, I declare ** ** **.

2. He presented false information to a federal agency.

3. Nixon lied when he had a legal obligation, enforceable by federal felony statutes, to tell the truth.

4. Nixon’s false statements related to a private matter—his personal liability for federal taxes. (Clinton testified regarding his personal liability to Paula J. owes)

5. Nixon waived “rule of law” and his legal obligation to tell the truth.

Some have argued that the Judiciary Committee did not pass a Tax Perjury Article of Impeachment against Nixon only because the facts were unclear. A review of the Committee Report shows that some members thought the factual evidence against Nixon was weak, while other Members thought that a criminal act in the conduct of personal affairs did not warrant the impeachment of the President for perjury.

Most of the Members of the Judiciary Committee did not speak on the record on the Tax Perjury Article. So how are we to know the reason for their vote and the precedent the 26 to 12 vote established.

The person most aware of the reasoning of the Committee was its author Edward Mezvinsky (D-IA), who lobbied his colleagues on both sides of the aisle to get his Article adopted. I called Mezvinsky yesterday and talked with him at length about his efforts in 1974 to convince his colleagues to vote for his Article. He told me that the clear majority of the Members rejected his Article because they concluded that a crime committed in private life, which did not relate to an abuse of Presidential power and was not swayed by his abuse of his official honor, and thus did not warrant the impeachment of a President.

Mr. Mezvinsky is a Democrat. Is he remembers or interpreting the vote on his 1974 Article of Impeachment to establish a precedent favorable to our current Democratic President? Has his memory faded with time over the last 24 years?

Fortunately, in 1975 Mezvinsky wrote an article for the Georgetown Law Journal describing the thought process of his colleagues and the judicial principles for determining an impeachable offense, not by the standard applied by most Committee Members in rejecting the first two Articles as well as by most Republican Members (including current Democratic President). The first two articles alluded that President Clinton lied “under penalty of perjury,” and that through that action undermined respect for law, and his own credibility. Yet, President Clinton’s actions did not warrant the impeachment of a President under the standards formulated by the Judiciary Committee in 1974 and applied against the President.

I urge you to follow the standard enunciated and followed by the Judiciary Committee in 1974 and reject the first two Articles of Impeachment against President Clinton. I hope you will also join me in voting against the third and fourth Articles as well.

Very truly yours,

BRAD SHERMAN.

EXCERPTS FROM HEARINGS OF THE HOUSE JUDICIARY COMMITTEE ON THE ARTICLE OF IMPEACHMENT OF RICHARD M. NIXON, DEALING WITH TAX FRAUD/TAX PERJURY

Mr. Railback (R-IL)—I suggest that there is a serious question as to whether something involving his personal tax liability has anything to do with his conduct of the office of the President.

Mr. Hogan (R-MD)—The report on grounds for impeachments is clear, and I am quoting: “As a technical term high crimes signifies a crime against the system of government, not merely a venial crime. This element of injury to the commonwealth, that is, to the state itself and the Constitution, was historically the criteria for distinguishing a high crime or misdemeanor from an ordinary one.”

Mr. Dalsey (R-IL)—.. even if criminal fraud had been proved, then we would still have the question as to its high crimes and misdemeanor sufficient to warrant the Constitution, because that is why we are here, ladies and gentlemen, to determine whether the President offended, whether the President offended, not to comb through every minute detail of his personal taxes for the past six years, raking up every possible minutia which could possibly be impeaching the President on national television.

Mr. Waidle (D-CA)—I speak against this article because of my theory that the impeachment process responsibility, mandates to redefine Presidential powers in cases where there is enormous abuse of those powers. And though I find the conduct of President Clinton in these matters been shoddy, to have been unacceptable, and to have been disgraceful even, I do not find a presidential power that has been so grossly abused that [it is] insufficient to warrant impeachment.

Mr. Thornton (D-AR)—I think it is apparent that in this area there has been a breach of faith with the American people with regard to incorrect income tax returns. But it is my view that these charges may be reached in due course in the regular process of taxation.

This committee is not a tax fraud court, nor a criminal court, nor should it endeavor to be one. Our charge is full and serious. Our duty is to determine whether crimes and misdemeanors affecting the security of our system of government must be brought to

CONCLUSION

A 1975 law journal article tells the story. In 1974 a Judiciary Committee, dominated by Democrats, was confronted with a President who had lied on a tax return signed “under penalty of perjury.” That crime disdained President Nixon, undermined respect for law, and called into doubt his credibility on public matters. However the Committee applied the following formula: seriously incompatible with the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office.

That same standard should be applied to President Clinton. The only two articles allege that President Clinton lied “under penalty of perjury” and through that action undermined respect for law, and his own credibility. Yet, his actions did not warrant the impeachment of a President under the standards formulated by the Judiciary Committee in 1974 and applied against the President.
to the attention of the full House . . . (Pg. 549)

Ms. LOFgren. Mr. Speaker, I yield 1 minute to the gentlewoman in Oregon (Ms. Hooley).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I am sick at heart as I stand before this body today. I believe in this institution of self-government and that good people can disagree on issues and that we must respect that disagreement.

But I believe in order to have legitimate self-government that the process of making institution’s decisions must be fair, and I am frustrated with a process that is not fair and that will not allow some of us to vote our conscience, a vote on censure.

Under the guise of rebuilding the public trust, this body is tearing it down.

The vast majority of Americans are also frustrated by the process. They want this to be over with and they have expressed their support for a bipartisan solution, a vote on censure.

What they do not want is for us to make a decision of this historical magnitude purely on a partisan basis.

Mr. POSHARD. Mr. Speaker, as a young father, I learned something about raising my children. I learned that if a child disobeys and the punishment is so much more severe than the offense that we make an enemy of that child. But we win the power struggle but everything we hope that child will learn by enforcing the rules with such severity will be lost.

This principle never changes, even among adults. That is why we need a censure here with appropriate punishment. The Nation knows that we have overreached in this situation. If we have appropriate punishment, we can learn, we can maintain respect and we can move on as friends and not enemies.

Mr. SENSENBERGER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Speaker, I do think there is a point we have perhaps need to go back to the basics. I keep hearing that somehow we are going to abrogate a vote.

What we have before us are four articles. The question is whether or not the facts examined by the Committee on the Judiciary meet the articles. I think anyone who looks at the information will clearly reach the conclusion that, in fact, the facts are not friendly.

The question is, do oaths mean something? I think they do. Should oaths mean something to the most powerful person in the United States? I think they should.

The President had one opportunity not to lie. He had a second opportunity not to obstruct justice. He had a third opportunity. At any number of turns, the President of the United States, the President of the United States, would not have required us to be in the position we are in tonight.

The question is simply, do the facts rise to the articles? We do not remove him. We simply agree.

Mr. SPEAKER. Mr. Speaker, the matter before us is not about a private matter as most of my colleagues on the other side of the aisle have been alleging for eleven months and throughout the debate today. This debate concerns their very foundation of our system of government.

I urge my colleagues to think long and hard about what we are doing in this hallowed chamber. We have been charged by the American people, our constituents, to serve to the best of our abilities to uphold the Constitution. It is our duty to defend the laws and the rule of law and this is what we are debating here today.

The House Judiciary Committee, under the able leadership of Chairman Henry Hyde, reviewed 60,000 pages of sworn testimony, grand jury transcripts, depositions, statements, affidavits as well as video and audio tapes that they used to build a case and provide ample evidence for four Articles of Impeachment. I have read this report and agree with their findings.

The Framers provide us with a guide, the Constitution. The Judiciary Committee found that the President has indeed lied under oath, obstructed justice and abused the powers of his office. Impeachment is the Constitutional remedy.

The rule of law is paramount to our system of government. Should the President of the United States be exempt from this standard? Should he be granted special treatment? Lying under oath lands other Americans in jail. The President is not above the law.

Mr. SENSENBERGER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

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

Mr. HOEKSTRA. Mr. Speaker, today we are faced with strong evidence that the President lied after swearing an oath to tell the truth. We have only one legitimate remedy in front of us, impeachment. So with great remorse, I will vote in favor of impeachment.

Some people have said that impeaching the President is an extremist or radical position. To those people I must ask, is holding the President accountable for his actions extremist? Is expecting the President to tell the truth radical?

I submit to this House that the radical position and the moderate position is to hold the President of the United States as we would any other American accountable to the law. Impeaching the President is something none of us should take lightly. However, neither should we shirk our duty to uphold the laws of our country and hold the President accountable for violating those laws and abusing his powers.

Mr. SENSENBERGER. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. SUNUNU).

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

Mr. SUNUNU. Mr. Speaker, I rise today in support of the constitutional principle that every American is guaranteed equal protection under the laws of the United States.

As our Nation’s chief executive, the President is charged to defend the Constitution and ensure a legal system that is untainted by perjury, by obstruction, and by contempt. These are crimes against the state and they strike at the heart of our judicial system and undermine its essential integrity.

To defer accountability for these actions would be to hold the single individual above the law and outside the boundaries of our judicial system. Some Members who wish to avoid casting a vote on impeachment remind us that the President would still be subject to criminal prosecution and they have included this reference in a meaningless censure resolution.

But this raises the troubling question, how can an individual that has committed an act that warrants a prison term be fit to serve as president? Or, how can we, the assembly, expect the American people to compromise principles in this case? But I say, if we cannot stand on principle in matters of truthful testimony, when will we ever stand on principle?
In his actions, the President has undermined his oath of office and undermined the rule of law. I will support the articles of impeachment.

I rise today before my colleagues, mindful of the difficult task before us and the strong emotions in all of us, to present, in a compelling fashion, the grave and solemn matter of impeachment.

Two hundred and twenty-two years ago our country was founded upon the fundamental principle that "no person, high or low, created equal," and, therefore, that no individual is above the law. In applying our Nation's laws equally to all citizens, the integrity of the judicial system is protected by the requirement that all witnesses swear an oath to testify truthfully and fully before the Court.

As our Nation's chief executive, the President is charged to "preserve, protect, and defend the Constitution of the United States," the document which establishes this framework of justice for all. He carries a unique responsibility to be an example of the highest ethical conduct, and he has failed to do so. The President repeatedly and unequivocally lied to the American People about matters under investigation by the Office of the Independent Counsel.

These acts are not merely technical violations of Federal Law; they demonstrate a broad and consistent pattern of behavior designed to corrupt our system of due process. To withhold or delay swift and appropriate action would be to hold a single individual above the law; and, herein lies the tragic precedent which a vote against impeachment creates. A vote against impeachment holds a single individual to a standard above all other citizens, and outside the boundaries of our judicial system.

Some members who wish to avoid casting a vote for impeachment remind us that the President will still remain subject to criminal investigation, and that remembrance of my own oath as a Member of Congress serves only to raise the troubling question: How can an individual who has committed perjury or obstruction of justice, however, may add a new dimension to that principle if we establish a new standard that determines his oath of office and under- no longer be fit to continue to serve as President? I will not get the chance to vote for censure because my colleagues on the left here do not like the President or his policies. But their feelings about him or what he stands for are irrelevant this evening, for impeachment has standards, for as Richard Davis, who testified before the committee so eloquently said, cases cannot be brought simply to make a point, to express a sense of moral outrage.

Kat Sunstate from the University of Chicago said so eloquently, impeachment is reserved for a narrow category of abuses, for this case does not rise to that standard.

I intend to vote against impeachment because as sinful and as stupid as the President's conduct was, it is not impeachable. But I will not get the chance to vote for censure because my colleagues over here do not believe we ought to have that chance.

Finally, Mr. Speaker, my prayers go to Mr. Livingston and his family as they seek to heal and rebuild. I say to my friends in all of this Congress, when is this going to end? When is this going to end? God help this Congress. When will we find our dignity, our vision, and our wisdom to give America the vote they want on censure. Give America the vote they want on censure. This is not impeachable. It is stupid. It is sinful. It deserves censure. Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, many of my colleagues on the left here do not like this President or his policies. But their feelings about him or what he stands for are irrelevant this evening, for impeachment has standards, for as Richard Davis, who testified before the committee so eloquently said, cases cannot be brought simply to make a point, to express a sense of moral outrage.

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(Reyes asked and was given permission to revise and extend his remarks.)
Mr. REYES. Mr. Speaker, I rise today in opposition to the articles of impeachment. I have had the occasion to walk back and forth to this Capitol building several times today. On one of those occasions, I remembered the words of Speaker Designate LIVESTON, when he said that he was a sin-ful, regular person.

I am grateful that regular people get an opportunity to serve in this House because regular people all across Amer-ica today have been very clear and very vocal about the issue of impeach-ment. Regular people prefer censure over impeachment. And yes, Mr. Speaker, regular people want regular business conducted in this House, not vindictive partisan politics.

Regular people are disgusted that we would be involved in this process at a time when this Nation’s young men and women are engaged in its national defense.

As a regular person myself, as a vet-eran, as an American, I am profoundly disappointed at what we have done here today. History will ultimately be our judge. And while I know and under-stand the concept that majority rules, I have lived long enough to take comfort in the fact that majorities that are unfair do not last. My friends, from where I am standing, the clock is ticking.

Mr. Speaker, I rise today in opposition to the articles of impeachment. I have had the occasion to walk back and forth to this Capitol building several times today. On one of those occasions I remem-bered the words of Speaker Designate LIVESTON that he was “simply a regular person.”

I am grateful that regular people get an op-portunity to serve in this House. Regular peo-ple all across America have been very clear and very vocal about the issue of impeach-ment. Regular people prefer censure over impeach-ment. And Mr. Speaker, regular people want regular business conducted in this House, not vindictive partisan politics. Regular people are disgusted that we would be involved in this process at a time when this Nation’s young men and women are engaged in its national defense.

I found arguments presented in the Dissenting Views of the Committee’s report convinc-ing as it relates to the conditions under which impeachment is warranted: “Impeachment is warranted only for conduct that is ‘Treason, Bribery, or other High Crimes and Misdemeanors’ as set forth in Article II, Section 4 of the Constitution. As virtually all con-stitutional scholars have noted, there is an im-portant distinction between criminal and impeachable offenses—impeachment serves to protect the nation, not to punish the wrong-doer * * * the remedy of impeachment should be reserved for egregious abuses of presi-dential authority, rather than misconduct unre-lated to public office. It is also clear that the President is subject to civil and criminal punish-ment independently of the impeachment process. The constitutional process of im-palement should not, therefore, be used for punitive purposes.”

On November 6, 1998, 430 Constitutional law professors wrote: “Did President Clinton engage in behavior warranting impeachment under the Constitution? We believe that the misconduct alleged in the report of the Independent Counsel does not cross that threshold.” One week earlier, more than 400 historians issued a joint statement warning that impeachment has tradi-tionally been reserved for high crimes and misdemeanors in the exercise of executive power, impeachment of President Clinton based on the facts alleged in the [Independent Counsel’s] referral would set a dangerous precedent.

I also agree with the view that “the Framers of the Constitution intended that the impeach-ment language they employed should reflect the grave misconduct that so injures or abuses our constitutional institutions and form of government as to justify impeachment.”

Finally, I believe the Republican leadership of the House of Representatives should allow the 435 members of the House an opportunity to vote on a strongly worded resolution of cen-sure—-one that condemns the actions of the President and imposes a hefty fine on him. However, the Republicans have denied us that opportunity.

This decision was very difficult for me and one that was not made lightly. I do not expect everyone to agree with the decision but I be-lieve it is the right thing to do.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.

Mr. SMITH of Michigan. Mr. Speaker, the President’s guilt in this matter is undisputed. Even the Democratic-sponsored censure resolution states that he has violated the trust of the American people and discredited the office which they have entrusted to him.

Mr. Speaker, we should not let the President off free for his egregious con-duct. We should not use the excuse of military conflict. We should not use the excuse that some prefer censure. Impeachment in the House is the con-stitutional method of censure.

Impeachment will ensure that the President’s misconduct is treated with the seriousness it deserves. It is the formal judgment by the House that the President has committed crimes that deserve the attention of the Senate. It is an emphatic statement of censure and disapproval and it is constitu-tional. In this case a vote for impeach-ment is warranted.

Alexander Hamilton in the Federalist Papers said that the impeachable of-fenses are “those offenses which pro-ceed from the misconduct of public men.”

Mr. Speaker. Alexander Hamilton wrote in The Federalist Papers that impeachable of-fenses “are those offenses which proceed from the misconduct of public men or, in other words, from the abuse or violation of some
public trust." It is clear that the perjury and obstruction of the legal process by the President, who is our foremost law enforcer, does constitute an abuse of his public trust. Mr. Speaker, the President's guilt in this matter is undisputed. Even the Democrat-sponsored censure resolution states that the President's violations of the trust of the American people, led to their esteem for the office of President, and disdained the office which they have entrusted to him."

Some have suggested censure as an alternative to impeachment. A censure resolution without penalty is insufficient for his flagrant misconduct. On the other hand, a strong resolution which includes a fine or other sanction faces a severe Constitutional challenge. The Constitution specifically forbids "Bills of Attainder." Thus, any fine imposed on the President via the censure process, even with his consent, could be successfully challenged after the fact.

I respectfully ask my colleagues on both sides of the aisle who are considering a vote against impeachment to reconsider. We should hold the President off free for this egregious conduct. We should not use the excuse of military conflict or the excuse that some may prefer censure. We should do our duty under the Constitution. We should vote for impeachment.

Impeachment by the House is the Constitutional method of censure. Impeachment will ensure that the President's misconduct is treated with the seriousness it deserves. It is a formal judgment by the House that the President has committed "High Crimes and Misdemeanors" that deserve the attention of the Senate. It is an emphatic statement of censure and disapproval and is Constitutional. In this case, a vote for impeachment is warranted.

Mr. SENSENBRENNER. Mr. Speaker, equal justice means two things. First, every citizen, including the least powerful, like the plaintiff in the first civil case involving a President, has a right to demand truthful testimony under oath even when the defendant is the President.

Secondly, equal justice requires adherence to the rule of law by all Americans, including the most powerful. Further, equal justice requires accountability by those who have committed perjury.

In this case, accountability for perjury is provided by the constitutional remedy of impeachment. I am going to vote for the presentment against President Clinton because he committed perjury before a court and a grand jury. For us to do less might be a little more comfortable in the short term, but I think it would do permanent damage to our ideals of equal justice and constitutional government.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, the decision to impeach a President is among the most solemn responsibilities that we in Congress will ever face and one over which I have long agonized. As a mother and grandmother, I struggled mightily with what message we send to all our children if the President does not have serious consequences for his dishonest behavior. But I would like to point out that impeachment should be undertaken only with great reservation and much trepidation. It is an act that the founders intended not so much to punish an individual's wrongdoing but to preserve and protect a nation.

Each Member today must seriously consider whether the charges against President Clinton do in fact constitute a threat to the Nation or its national security. No doubt the President's actions, in both words and deeds, have disgraced him, his family, his office. His legacy shall be indelibly scarred. However, putting the country through the turmoil and the tumult of a Senate trial, which many Members believe would be a farce while the many important issues facing our Nation go unaddressed is wrong. It is clear that the American people want us to close this sorry chapter in our history. I, therefore, plan to vote in favor of this resolution on the basis of what I consider in the best interest of my country, my conscience, and my constituents.

Mr. Speaker, the decision to impeach a sitting President is among the most difficult and solemn decisions that Congress will ever face and one over which I have long agonized. I come to the well of the House to cast a vote that has occurred only once before in our Nation's history.

In reaching this difficult decision, I reviewed the Judiciary Committee proceedings and the scholars' testimony, read the report and relevant materials, and discussed the issues with colleagues and experts. Most importantly, I listened to my constituents, considered the effect on our Nation, and searched my conscience.

I am a mother and a grandmother who cares deeply about the difficult parents face because of this ordeal. One of my grandchildren, Michael, is eleven years old, president of his student body, and his parents have taught him the importance of being honest and trustworthy. I struggle mightily with what message we send to him and my other grandchildren, as well as all children, if the President does not bear serious consequences for his dishonest behavior.

Ours is a solemn duty to determine whether the wrongdoing of this President rises to the constitutional threshold of Impeachment as intended by the Founders of this great nation. The purpose of Impeachment is the removal and possible disqualification from office and should be undertaken only with great reservation and much trepidation. It is an act that the Founders intended not so much to punish an individual's wrongdoing, but to preserve and protect a nation. Each Member today must seriously consider whether the charges against President Clinton do in fact constitute a threat to the nation or its national security.

The President's actions in both words and deeds have disgraced him, his family, and his office, and he shall forever be remembered not for the many accomplishments that have occurred during his term in office, but for his sordid behavior and his failure to take responsibility for that behavior.

I believe, however, that putting the country through the turmoil and tumult of a Senate trial that could last months while the many important issues facing our nation go unaddressed is not conducive to the respect that the American people want us to close this sorry chapter in our history and move on to resolving the challenges that face us. I shall therefore vote for these Articles of Impeachment. It is my sincere belief that there should be severe consequences for the actions of this President, and if these Articles of Impeachment are approved, I hope that the Senate will act expeditiously and vote on a severe Censure Resolution that could then be brought back to the House. I would support such a resolution.

While history will judge William Jefferson Clinton severely, I do not believe that his acts rise to the level of "high crimes and misdemeanors" as specified by the Constitution. I know that some in this body will come to a different conclusion than I do, and I respect their decision. Many Americans too are deeply divided over this issue. My decision to vote against these Articles of Impeachment is one that does not come easily, but in my service in the United States House of Representatives, and to the people of the Eighth District of Ohio, I have always tried to consider my constituents, my country and my conscience.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all persons in the gallery that they are here as guests of this body, and any manifestation of approval or disapproval of proceedings is a violation of House rules.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, this Congress is faced with a very imperfect situation, a President who has deeply disgraced our Nation and an independent prosecutor who has compromised the integrity of the investigative process.

The damage both men have rendered is strown across the American landscape, and now the Committee on the Judiciary of this House has produced a one-sided, rampanently partisan option for this membership to consider. Healing our Nation must be the paramount consideration of this body, and our people must be spared from further division. Even though it appears that President Clinton lied under oath, which could be a high crime, proving perjury in a court of law is a highly technical legal matter not easily established.

On the other hand, a Senate trial would not require the same level of judicial proof, but it is unlikely the Senate will be able to assemble a working supermajority for any of the impeachment charges.

The House of its own accord can act to resolve this situation assigning proper penalties and punishments but...
likely will fail to do so placing this entire matter in the netherworld between the Senate, unlikely to reach a conclusion and a legal system in which wrongdoing will be difficult to prove.

Our Nation needs to move forward. I am left with no option but to oppose the committee’s recommendation in spite of my disdain for the President’s actions.

Mr. Speaker, this Congress is faced with a very imperfect situation. A President who has deeply disgraced our Nation, and an independent prosecutor who has compromised the integrity of the investigative process. The damage both men have rendered is strewn across the American landscape. Now, the Judiciary Committee of this House has produced a one-sided, rampantly partisan option for the membership to consider.

Healing our Nation must be the paramount consideration of this body. The American people must be spared from further divisions. Even though it appears President Clinton lied under oath which would be a high crime, proving perjury in a court of law is a highly technical legal matter not easily established. On the other hand, a Senate trial would not require the same level of judicial proof, but it is unlikely that Senate will be able to assemble a working supermajority for any of the impeachment charges.

The House of its own accord can act to resolve this situation, assigning proper penalties and punishments, but likely will fail to do so, placing us in the netherworld between a Senate unlikely to reach a conclusion and a legal system in which wrongdoing will be difficult to prove. To drag our nation through further partisan wrangling in the Senate seems very unwise.

[Thus] I conclude further Congressional deliberations on this set of charges are not in the nation’s interests. Though the charges against President Clinton are serious, they are best adjudicated in the courts where regular rules of evidence and due process apply. Since other alternatives are not available to this House, I believe the Judiciary Committee’s flawed proceedings, I am left with no option but to oppose the committee’s recommendation, in spite of my disdain for the Presidents’ actions and his failure to take responsibility for them. Our Nation needs to move forward.

Mindful of the strongly divided opinion of the American people and citizens of my home district regarding the pending set of votes on the four Articles of Impeachment against President Bill Clinton, it is my obligation to state publicly my reasoning, as I will hold to in this regard, partisanship is irrelevant. Personalities are irrelevant. Healing our nation must be paramount. Carrying out the nation’s regular business must proceed. In regard to the Clinton charges, we must respect the rule of law, administer the entire matter in the integrity of the Constitution, and recommend proper judicial proceedings to resolve the matter at hand. Throughout this process, I have weighted: “To what extent do the President’s actions, along with those of the investigative processes that have led to charges on him in the House, threaten or strengthen the Constitutional standards I am sworn to uphold?” In an expeditious manner, we must resolve this situation in the nation’s best interests. I believe the nation must be spared further divisions on this matter.

THE PROCESS

President Bill Clinton has deeply disgraced our nation by his conduct, and unwillingness to assume responsibility for his actions. Over one year ago, he should have exercised a moral judgment that would have honored our nation and the wretchedness that has affected every family in America and politically split the nation into two warring camps. Further, the behavior of Independent Counsel Kenneth Starr and his carelessness, and at times willful manipulation of the investigative process compromised the integrity of these proceedings, leaving the American people and this Congress divided. Neither of these men has acted in the national interest. The damage they have rendered is strewn across our landscape. Likewise, the Judiciary Committee in its deliberations has been rampantly partisan. The recommendations it has produced for House consideration are one-sided and only partly represent the courses of action deemed worthy of debate by the full House. So we are left with a very imperfect situation.

President Clinton will have much accounting to do in the years hence. I have concluded in the national interest that final resolution of any legal charges against him is best left in the hands of a court. He and future Presidents’ actions and his failure to take responsibility for them. Our Nation needs to move forward.

Mr. Speaker, this Congress is faced with a very imperfect situation. I hold the highest respect for our nation’s judicial system. It is my duty to uphold it against all enemies foreign and domestic. My job includes preventing its abuse. In this regard, President Bill Clinton has much accounting to do. Yet, in spite of President Clinton’s egregious, dishonorable, irresponsible and, yes, alleged criminal behavior, he should not be held to either a higher nor a lower standard than any American in the administration of justice. He deserves his day in court with a judge and jury, and to administer justice fairly. But as President, it is not unfair for us to expect more of him and hold him to a higher moral standard.

In my judgment, the crimes of which President Clinton is accused do meet the Constitutional standards for conviction based on “bribery, treason, or high crimes and misdemeanors.” Though his dishonorable behavior has wounded our nation’s moral sensibilities and, tragically, he has reduced the honor associated with the office of President—and, in fact, elected office as a profession—in my judgment these circumstances do not rise to a “high crime” against the state as such, as I read the Constitution.

However, reading the Starr Report and the Committee documents and studying the law I have convinced me that the perjury charges are the most serious rendered against the President. They go to the heart of our judicial system’s foundation—telling the truth, the whole truth, and nothing but the truth. Perjury is a felony, a crime against the state, and strikes at the very core of our judicial system. By his position as the secular leader of our nation, President Clinton sets a standard, whether he wishes so nor not. Even though it appears President Clinton lied under oath, proving in a court of law that he perjured himself if a highly technical legal matter not easily proven. In a civil proceeding, proving such would be fraught with inference, innuendo, in the end likely yielding not enough proof with corroborating witnesses to convict on the basis of perjury. On the other hand, a Senate trial would not require the same level of judicial proof, thus holding the possibility of placing penalties and punishments on the President commensurate with proven charges of damage to the republic. However, it is unlikely the Senate will be able to assemble a working majority for any of the impeachment charges. The House of its own accord can act to resolve this situation, assigning proper penalties and punishments, but will fail to do so, placing this entire matter in the netherworld between a Senate unlikely to reach a conclusion and a legal system in which wrong doing will be difficult to prove. Yet, to drag the nation through more legal wrangling in the Senate seems very unwise, especially in view of the politics and partisanship that will rue the day.

For the record, let me point out the role of the House in impeachment differs from the Senate. The House has the power to impeach, to the grand jury, with each of us behaving like judges in a civil proceeding. Yet, the House is hampered Constitutionally in its ability to discover evidence, call witnesses, and cross examine.

Thus, the Committee, by it very nature, has put forward a report that contains only partial findings of alleged wrongdoing. Our vote will be to refer those partial findings and charges to the Senate for an actual trial. It is in the Senate that full evidence is weighed, witnesses are called, and cross-examination occurs. No member of the House has been afforded the benefit of a full range of witnesses, with the opportunity to cross-examine, with rules of evidence being respected. Further, the partisanship of the Judiciary Committee has
been extremely troubling with the end result being that the full House is not afforded a range of proposals on which to vote to apply the proper judicial remedy relating to the President. Unlike previous impeachment hearings in the House—such as Andrew Johnson’s in which the Committee studied the referral for eight months and defeated the resolution by a two to one margin, and at the hearings relating to President Nixon in which the House deliberated for six months and accepted the Committee report on a vote of 412 to 0—this proceeding has been fraught with raw partisanship. The Committee has deliberated for a month, votes in the Committee have been strictly along party lines, and for the most part votes in the full House will mirror that pattern. Thus, this Member has little confidence the Committee has acted responsibly and with due process. Nonetheless, I believe the Judiciary Committee’s findings to be serious, particularly relating to the articles of alleged perjury and obstruction of justice.

The allegations of perjury in Articles 1 and 2 are serious charges of perjury, if proven, is a felony and, in my opinion, rise to the Constitutional standard of a high crime. But, proving perjury is a highly technical matter. Evidence and testimony in this regard are critical.

The House Committee report has not proven perjury, an untrue statement, knowingly stated, under oath at an official proceeding. And that statement must be material with regard to the matter at hand. Though the Paula Jones case has been dismissed, the matter at hand would only involve the Lewinsky deposition of the President’s testimony before the grand jury in this regard, the legal question, as aside from the moral question, becomes, Did President Clinton lie, or did he simply exercise his rights under the law not to volunteer more details? Just because he didn’t testify as much as some may have wanted, does not mean he perjured himself. The evidence against him in this case must be compelling and the judicial standard to measure perjury is not “preponderance of evidence”, nor is it “clear and convincing evidence” or any standard is the best known one of “evidence beyond a reasonable doubt.” The fact that the House is wrestling with the evidence means there is a reasonable doubt, and thus a judicial finding of perjury will be difficult to obtain. In addition, some of the allegations in the Committee’s report suggest that the definition of “sexual relation” President Clinton used before the grand jury was one with the intent to give perjurious statements. A lawyer would ask, where is the evidence of intent? Decisions of perjury cannot be made on the basis of conclusions nor supposed standards of fact. One cannot assume an inference on an inference. Otherwise the evidence is inadmissible. Further, the report charges President Clinton “didn’t recall” matter on several occasions. But what evidence do we have that demonstrates this. Again, the statement to me being false is by itself not perjury and does not make the defendant. In such cases, the defendant cannot be convicted. This means that just one other material witness with a contradictory story would not be enough to prove falsehood by the President. Additional witnesses, unlikely to be found, would have to come forward. This legal precedent actually dates back to Mosaic law. However, if the defendant changes his/her story and contradicts him/herself, then the jury must consider how this happened, given the President’s adherence to his original statement before the grand jury.

In anticipating the likely outcome of such a proceeding, if a jury of 12 persons, knowing the strict standards for conviction on perjury, were to happen, the given President’s adherence to his original statement before the grand jury. If you were to ask, “Did he lie?”, “Did he knowingly do it”, and coupled this with Monica Lewinsky’s testimony wherein the definition of sexual relations is brought into question, it is doubtful a jury would convict him of perjury. This is not a reasonable doubt because of the substantial weight of circumstances evidence and lack of other credible witnesses. Again, there is a distinction between what is legally provable and what the public may demand as morally right.

Further, in meeting the Constitutional test of conviction based on “bribery, treason, high crimes and misdemeanors,” the definition of high crimes and misdemeanors of open to interpretation. Most scholars agree that these crimes would gravitate around the interest of the state or the government—such as bribery by a foreign interest, or outright treason. But again the Constitution does not say outright crimes against the state. So, much is left to interpretation, and this is why this case is so important. Depending on how the House acts, a legal standard and process will be established against which future Constitutional questions regarding impeachment for inappropriate conduct that may be morally reprehensible, but not necessarily criminal, affects the functioning of the state and the Constitution, the “bribery, treason and high crimes and misdemeanors” standard.

CONCLUSION

In summary, though President Bill Clinton has deepened the moral character of the nation, he cannot avoid the strict legal standards for conviction on perjury. At the minimum this must be elaborated in the articles of impeachment so that the public in general and the Senate specifically may know what the specific charges are and that the President may defend himself. When I vote against these articles of impeachment, I will do so because I cannot allow this House to avoid its constitutional duty to enunciate the specific allegations of perjury before recommending impeachment. None of us can call for the rule of law if it is an empty gesture and faulty articles of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, the essence of our debate revolves around the issue of perjury. In that context alone I believe the articles of impeachment are faulty and deficient. I have never asked my colleagues who asked us to apply the same law to the President as would be applied to ordinary people charged with that offense of perjury. Ordinary citizens would begin the specific basis underlying the charge of perjury. The President has not been provided this information.

To vote for these articles of impeachment is to vote to remove the President from office without any of us knowing what exactly he testified to under oath which amounted to the legal definition of perjury. At the minimum this must be elaborated in the articles of impeachment so that the public in general and the Senate specifically may know what the specific charges are and that the President may defend himself.

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Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ACKERMAN).

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

Mr. ACKERMAN. Mr. Speaker, today we embarrass the memory of our Founding Fathers as we torture the intent of the genius of their system of balancing the awesome powers of government. Mr. Speaker, under your leadership and that of your party we stand here, small men with petty careers and partisan of purpose to diminish yet again our great Republic. Devoid of a sense of proportion and overburdened with an excess of hubris, you claim conscience as your exclusive domain and deny us the right to offer the will of the people, a motion to censure. Your oligarchical act attempts to recreate a presidency that would serve at your whim rather than at the will of the people.

To be sure, the President has shamed himself. To be clear, it is we who are about to become the shame of the Nation.

Ms. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Idaho (Mrs. CHENOWETH).

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, I rise in support of the articles of impeachment.
Mr. Speaker, I rise today in support of passage of the Articles of Impeachment against President William Jefferson Clinton. As unpleasant as our task is to many, our task is an honorable one, for today we do honor to the Constitution of the United States of America.

As we know, we are also in the Nuremberg Trials, where the servicemen who served were not bound to obey illegal orders. But what about orders given by a known criminal? Should we trust the integrity of a President who violates the same basic oath we take? Should we be asked to follow a morally defective leader with a demand for the defense of our values? The answer is no, for implicit in the voluntary oath that all servicemen take is the promise that they will receive honorable civilian leadership.

Mr. Clinton has failed to meet that obligation. It is therefore Congress’ duty to remove him from office.

I do not claim to speak for all service members, but certainly Bill Clinton has never been the military’s favorite president.

Mr. Clinton and his supporters do not care in the least about the health of our armed forces. Hateful of a traditional military culture they never deigned to study, Mr. Clinton’s disingenuous feminism, homosexual and racial activitist views regard the services as mere political prop, useful perhaps to discolor petty identity group grievances.

Mr. Clinton committed.

As the writer Mark Helprin has observed, “The conduct of our President to whim, polling data, and notions of popular behavior, we will have done grave damage to our Constitution. It’s important for us to remember what has brought us to this point. We are here today because of the actions of the President. We are here today because the President placed himself above the law. He lied to a civil court, then lied to the public, then lied to a grand jury, then lied about lying, and finally lied to the impeachment inquiry itself.

The President abused his power. And for what? Our task is to satisfy our oath. The President placed his own needs, his own desire to avoid embarrassment, and his own fear of facing the consequences and responsibility for his actions above the interests of his Nation.

How sad. How empty is, he he George Washington to place his interests above those of the nation and law for which American blood has been shed * * * and will undoubtedly be shed again. Perhaps American patriot blood is being shed at this very moment.

Of George Washington, Thomas Jefferson observed that “The moderation and virtue of a single character probably prevented this Revolution from being closed, as most others have been, by a subversion of that liberty it was intended to establish.”

What will the future generations say of President Clinton? And what will they say of us?

John Quincy Adams said “Always vote for principle, though you vote alone, and you may cherish the sweet reflection that your vote is never lost.”

Mr. Speaker, I vote for principle. I will vote to impeach William Jefferson Clinton.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I rise today in support of the Articles of Impeachment that have been reported by the Committee on the Judiciary. This is a situation that demands our most careful consideration and devotion to duty as Members of Congress. It is a matter that is not to be taken lightly. Exempting from the necessity to individually reach the determination that must be made in order to fulfill our Constitutional responsibilities in the impeachment procedure. This is a process that should not be partisan, as it should be based on the application of the facts. I believe that all of us recognize the seriousness of President Clinton being charged with violations against the Constitution. Much time and effort have been devoted to investigating and reviewing the actions on which this Reso-

olution is based. I have followed the hearings of the Committee on the Judiciary concerning this matter with great interest and I am in agreement with the Resolution (H. Res. 611) that has been submitted by Chairman Hyde. H. Res. 611 outlines four Articles as the basis for impeachment, which I shall summarize.

Article I—President Clinton willfully provided perjurious, false and misleading testimony to a Federal Grand Jury. I agree.

Article II—President Clinton willfully corrup
ted and manipulated the judicial process, in which I shall summarize, that he willfully provided perjurious, false and misleading testimony in response to written questions seeking information in a Federal civil rights action, which was brought against him, as well as in a deposition in that action.

Article III—President Clinton prevented, obstructed and impeded the administration of justice through a course of conduct or scheme in a series of events between December 1997 and January 1998. I agree.

Article IV—President Clinton has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the Legislative Branch, in that he refused and failed to respond to written requests for admission, as made perjurious, false and misleading sworn statements in response to certain written requests for admission that were propounded as part of the impeachment inquiry that was authorized by the House.

It is clear to me that convincing evidence has been presented in regard to each of the four Articles that have been reported by the Committee on the Judiciary. Accordingly, I support the Articles as stated in H. Res. 611. Mr. Speaker, I would also like to address the assertion by Mr. Clinton and his supporters that the consideration by the Congress of the impeachment of President Clinton, who is the Com
mnder in Chief of our Armed Forces, would have a demoralizing effect on our men and women in uniform, especially while our Nation is engaged in military operations against Iraq. I can speak from experience, based on nu-

merous conversations with Americans from all walks of life, who are now serving or who have previously served in our Nation’s military, that such a charge has no merit. In this re-

gard, I would like to submit the following arti-
cles by Major Daniel J. Rabkin of the United States Marine Corps Reserve:

Mr. Speaker, I include the article entitled “Please, Impeach My Commander in Chief,” from the November 9, 1998 edition of the Washington Times.

PLEASE, IMPEACH MY COMMANDER IN CHIEF

(By Daniel J. Rabkin)

The American military is subject to civilian control, and we deeply believe in that principle. We also believe in the Nuremberg Trials, that servicemen are not bound to obey illegal orders. But what about orders given by a known criminal? Should we trust the integrity of a President who violates the same basic oath we take? Should we be asked to follow a morally defective leader with a demand for the defense of our values? The answer is no, for implicit in the voluntary oath that all servicemen take is the promise that they will receive honorable civilian leadership.

Bill Clinton has failed to meet that obligation. It is therefore Congress’ duty to remove him from office.

I do not claim to speak for all service members, but certainly Bill Clinton has never been the military’s favorite president.

Long before the Starr report, there was plenty of anecdotal evidence of this administration’s attempt for exoneration. Yes, Mr. Clinton was a lying draft dodger, yes his staffers have been anti-military, and yes, he habitually ruins the careers of senior officers who speak up or say the correct things. Meanwhile, servicemen are now in jail for sex crimes less egregious than those Paula J. Jones and Kathleen Willey say Mr. Clinton committed.

Mr. Clinton and his supporters do not care in the least about the health of our armed forces. Hateful of a traditional military culture they never deigned to study, Mr. Clinton’s disingenuous feminism, homosexual and racial activitist views regard the services as mere political prop, useful perhaps to discolor petty identity group grievances. It is no coincidence that the media have played up one military scandal after another during the Clinton years. This politically-driven shift of focus, from the military mission to the therapeutic wants of fringe groups, has taken its toll: Partly because of Mr. Clinton’s impossibly Orwellian directives, Chief of Naval Operations Jay Boorda committed suicide.

So Clinton has weakened the services and fostered a corrosive anti-military culture. This may be loathsome, but it is not impeachable, particularly if an attentive Congress can limit the extent of Clinton-induced damage. But the services have therefore continued to march, pretending to respect our hypocrite-in-chief.

When the Paula J Jones perjury and the ensuing Starr Report, I have always known that Clinton was integrity-impaired, but I never thought even he could be so de
draged, so contemptuous, as to affront mili
tary affairs as was described in the special prosecutor’s report to Congress. In that report, we learn of a telephone conversation between Mr. Clinton and his national security advisor in which the two men discussed our Bosnian deployment. During that telephone discussion, the Commander-in-Chief’s pants were unzipped, and Monica Lewinsky was busy saving him the cost of a prostitute. This is the President of the United States of America? Should soldiers not feel belittled and worried by such a remark above the reserve?

When Ronald Reagan’s ill-fated Beirut mission led to the careless loss of 241 Marines in a single bombing, few questioned his love of country and his overriding concern for American interests. But should Mr. Clinton lead us into military conflict, he would do so, incredibly, without any such trust. The recent American deaths in Afghanistan and Sudan, my instant reaction was outrage, for I instinctively presumed...
that Mr. Clinton was trying to knock Miss Lewinsky's concurrent grand jury testimony out of the headlines. The alternative, that this president—who ignores national security in favor of appeases Iraq and North Korea, and who fights like a leftist Soviet the idea of an American missile defense—actually believed in the need for immediate military action simply implausible. And no amount of scripted finger wagging, lip biting, or mention of The Children by this highly skilled perjurer can convince me otherwise.

In other words, Mr. Clinton has demonstrated that he will risk war, terrorist attacks, and our lives just to save his dysfunctional administration. What might his motives be in some future conflict? Blackmail? Cheap political payoffs? Or—dare I say it—simply the lazy blundering of an instinctively anti-American man? It is immoral to impose such untrustworthy leadership on a fighting force.

It will no doubt be considered extreme to raise the question of whether this president is a national security risk, but I must. I do not believe presidential candidates should be required to undergo background investigations, secret service clearance would have been permanently revoked. We joked that my friend's security clearance would have been permanently revoked. The Marine, who is also a friend, needed to pass complete background checks before routine deployments, yet the White House has demonstrated that he will risk war, terrorist attacks, and our lives just to save his dysfunctional administration. What might his motives be in some future conflict? Blackmail? Cheap political payoffs? Or—dare I say it—simply the lazy blundering of an instinctively anti-American man? It is immoral to impose such untrustworthy leadership on a fighting force.

I do not find impeachable offenses, even for our country and for the Office of the President. I am not on the Committee on the Judiciary, I am not an attorney, and I am not sure that the President's actions warrant his removal from office. But I am absolutely unequivocally convinced beyond a reasonable doubt that this President lied under oath, lied in a court proceeding and lied to a grand jury, and that requires us to take action. Eighty percent of the American people and many of my colleagues on that side have acknowledged the President lied under oath and in fact have said he committed perjury. In fact, this administration has convicted two women, two Federal employees who are serving jail time today for the exact same offense that the President has been charged with, exact same offense, no different.

We must take action. The Constitution gives us one option in taking action. That option is basically to move on the impeachment, to charge the President. The other body can take the appropriate action of what the punishment would be.

I would hope that the other body does not prolong the process. I would hope the other body would consider the censure resolution. That is the appropriate response here. But we must do our response, and that is to charge the President and let the Senate take its action, and hopefully they will end this process quickly.

Mr. Speaker, I rise today to announce my intention to vote for the first two articles of impeachment. Because like 80% of the people of our nation, I believe that the President lied under oath. These facts are not in dispute, and yet the President refuses to admit this. He must admit to what the American people already know.

The fact of the matter is that the President lied. He took an oath to tell the truth, the whole truth, and nothing but the truth, and he broke that promise. But more importantly, he broke a promise that he made to the American people to uphold the laws that are the strength and the backbone of our democracy.

In order for democracy to succeed, our judicial system must be vigilant—people cannot lie under oath, regardless of their motivations. We know of these very serious wrongdoings, and our laws cannot, and must not, be trivialized. The President's own Administration takes lying to a grand jury seriously, as one hundred and fifteen people are currently serving sentences for perjury in a federal court.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, President Bill Clinton's reckless and reprehensible affair with Monica Lewinsky put him at risk for extortion, undermining our national security. His subsequent words and actions have thrust upon us the grave duty to consider impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. PORTMAN asked and was given permission to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, there is no joy in this task. This is a sad day for our country and for the Office of the President.

I have listened carefully to the comments of my colleagues today just as I carefully reviewed the facts, the underlying articles of impeachment and the report of the Committee on the Judiciary which came before us this week. I do not question the motives of my colleagues who oppose impeachment, who do not find impeachable offenses, even as many of them have questioned the motives of those of us who will support one or more of the articles.

For myself, I believe the evidence of serious wrongdoing is simply too compelling to be swept aside. I am particularly troubled by the clear evidence of lying under oath that it must be the bedrock of our judicial system. I believe the long term consequence to this country of not acting on these serious charges before us far outweigh the consequences of following what the Constitution provides for and bringing this matter to trial in the United States Senate.

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The Committee on the Judiciary report provides sufficient and credible evidence that William J. Jefferson Clinton abused his power as President and undermined the integrity of the equal judicial branch by obstructing justice with lying under oath in a civil deposition and before a federal grand jury. He perpetuated these lies in written responses to the Congress.

If we are to honor and uphold our Constitution, this behavior cannot be tolerated. Without truth there is no justice. And it is above the law. These are the foundations of our government. Our entire system of justice is imperiled if we do not act and thereby establish the precedent that a President nor anyone cannot pick and choose when he will testify truthfully and when he will not.

For these reasons I will vote for the articles of impeachment.

Mr. SENSENBERGER, Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. BAKER. Mr. Speaker, it was the President's own decisions and actions which have brought us to this circumstance. It was the finding of his own Attorney General, Janet Reno, that led to the appointment of the special prosecutor. The findings of fact by the special prosecutor have not been disputed, and no one here tonight has risen to defend the actions of this President. All that is in question is what punishment is appropriate given these facts?

When this vote is closed, William J. Jefferson Clinton will still be President no matter whether the motion to adopt the articles of impeachment is adopted or rejected. All that will be decided when this vote is closed is to determine whether there will or will not be a trial giving the President his due process in the United States Senate. Mr. Speaker, that would appear the least this House could do given the facts that we have before us and if we are to uphold the rule of law.

It is unfortunate, it is distasteful, it is regrettable, but it is the actions of William J. Jefferson Clinton that bring this Nation and this Congress to this distasteful moment in history, and we must do our constitutional duty.

Mr. SENSENBERGER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. BAKER. Mr. Speaker, all day my Democrat friends have spoken of the treacherous waters our country would be thrown into should this impeachment resolution pass and the matter be sent to the Senate, and while today's debate is momentous and its historical significance cannot be overstated, it is important to remember that America, its government, is strong and will continue to thrive.

See, the genius of the American experience is our stability; the constancy of our existence rests upon the shoulders of a few powerful, irreplaceable men, but rather that our civilization's order rests upon the rule of law, and when those laws are undermined by the chief law enforcement officer in the land, the situation must be redressed or the very chaos that our Democratic friends fear will come to pass.

The President's personal life is just that, personal. But when his words and deeds seriously undermine the rule of law, the issue becomes public and the consequences dramatic.

The chief law enforcement officer's actions have undermined the rule of law, and thus the articles of impeachment should pass and the matter be sent on to the Senate.

Mr. SENSENBERGER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I think most of us prefer not to be here, but the Constitution obligates us to be here, and the Constitution also directs what we can do while we are here.

As pointed out by Hamilton in 66, Paper, we do not have the right to be punitive. Censure is a punitive action.

We have the right and the responsibility to refer the item to the Senate for their judgment.

Now I know there are those who do not like to say that we have jurisdiction here, but the fact is, as Ms. Jordan pointed out in 1974, it is a misreading of the Constitution for any Member here to assert that a Member is voting to remove the President for impeachment and that it does not give us the jurisdiction to be able to refer to the Constitution. Clearly, that we have the responsibility to judge; is there enough evidence to consider impeachment and that punishment not be rendered here in a censure in the House of Representatives but only, only in the Senate?

That is our responsibility. The President has to live by the Constitution, and so do we as a body, Mr. Speaker.

Ms. LOFGREN. Mr. Speaker, I ask unanimous consent that the time for debate be extended by 15 minutes.

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

Mr. SENSENBERGER. Reserving the right to object, Mr. Speaker, and I will object, Mr. Speaker, the time for debate was set as a result of very deliberate negotiations between the Speaker designate, the gentleman from Louisiana (Mr. LIVINGSTON), the minority leader, the gentleman from Missouri (Mr. GEPHARDT), the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE) and the ranking minority member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS).

Ms. LOFGREN. Mr. Speaker, I withdraw my request. I consent to view of the gentleman's objection so that I might yield to other Members.

The SPEAKER pro tempore. The gentleman may recognize one additional speaker. At that point it will be 10 o'clock.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. JOHNSON).

Mr. JOHNSEN of Wisconsin. Mr. Speaker, the gentleman from Illinois (Mr. HYDE) stood before the body this morning and gave an eloquent speech concluding that our flag is falling. Indeed our flag is falling. It is being dragged through the mud of sex, lies and videotape.

Even worse, our Constitution is being set on fire and torched and set a blaze and bombed and blasted by some zealots who have had their torches ready for some time. But unable to rally the majority of Americans to their cause, they have turned their tortured view of the Constitution and their tortured view of the rule of law to the one place where they can get a majority to this body, this 108th Congress.

I came to the 108th Congress with pride. Now it will be my only Congress, and I leave with pride at having served with sadness that petty partisan politics raised to the highest level will torture the meaning and the fabric of the Constitution. If we ignore these articles rise to the level of impeachment defined in the Constitution, treason, bribery or other high crimes and misdemeanors, these articles are not inclusive.

I oppose the articles of impeachment, and I ask that they be voted against.

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

Mr. STENHOLM. Mr. Speaker, I rise in support of these articles of impeachment.

Mr. Speaker, today is one of the most somber days I have known since coming to Congress twenty years ago. We are poised to vote on whether or not to impeach the President of the United States at the same time that uniformed men and women of our armed forces are engaged in conflict in the Middle East. It doesn't get much worse than this.

I have listened to the arguments that have been made about why the President's actions do not rise to the level of "impeachable offenses" under the Constitution. Despite these arguments, I am not persuaded. It is clear that the President's actions are sufficient to charge him with high crimes and misdemeanors.

Our President has admitted to wrongdoing. He has lied to his family, his friends, and the nation. He has protected himself at the expense of those around him. He has shown judgement so suspect that his actions are now called into question. It is clear that the President's deeds and words have placed an indelible mark on the Presidency of the United States.

It is not for us to judge President Clinton for his moral transgressions; God will do that. His family will have to forgive him for the pain he has caused them. He has already suffered tremendous punishment in regard to lost respect and credibility. Our duty is to decide whether to charge him with high crimes and misdemeanors and send the matter to the Senate to be tried and if convicted to determine what punishment is appropriate.

I do not agree with those who suggest that the President's actions are private matters that do not reflect on his fitness for office.
Lying under oath and repeated disregard for decency by our nation’s top elected official is a serious offense. The strength of a nation is ultimately dependent upon the strength of its moral character. The consequences of the President’s actions go well beyond the details of perjury. They go to the heart of our national character.

In considering the impeachment question, I have studied, listened and prayed for guidance. Throughout this process, I have been troubled that some of those calling for the President’s impeachment are not interested in fairness. They have been motivated by their own political blood lust. For example, I believe that all Members should not be denied the opportunity to vote their conscience on censure.

I understand that my vote today will be unpopular with many of my colleagues, my President and many of my friends and constituents. I also realize that by voting with the majority, this is an issue some will use for their own political purposes. My vote today in no way condones the behavior of those supporting impeachment whose actions are motivated more by political vendetta than the principles of the Constitution.

Let me make clear that my sole motivation is to fulfill my Constitutional duty as I see it, no matter how unpopular that may be or at what personal cost.

Those of us who have the honor of holding public office should hold ourselves to a higher standard. I respect those who have come to a different conclusion than my own. However, if I do not vote to impeach the President for his actions, then I will fail in my duty. I do not only fail to carry out my Constitutional duty, but I also diminish the office of all elected officials, including my own. One of our Founding Fathers, John Jay, said, “When oaths cease to be sacred, our dearest and most valuable rights become insecure.” For these reasons, I will vote for articles of impeachment.

Mr. SMITH of Oregon. Mr. Speaker, when the Constitution of the United States was being debated throughout the new American states, many people were concerned that, like the monarchy they had fought against, a strong federal government would tend to “elevate the few at the expense of the many.” Their concern was addressed by Alexander Hamilton in the Federalist Paper Number 57, and that answer governs the debate here today.

Hamilton argued that, under the Constitution, our elected leaders “can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been the fearful and not risible danger which human power can connect the rulers and the people together. It creates between them a communion of interests and sympathy of sentiments, of which few governments have furnished examples; but without which every government degenerates into monarchy.”

And as today, the belief that no one should be above the law, remains one of the distinguishing characteristics of our government. We are a nation with a multitude of economic circumstances, ethnic backgrounds, and social distinctions. But no matter what our other differences may be, we are all equal before the law. It goes against everything we stand for to allow someone to escape justice simply because they hold a position of power.

And while our system is not always perfect, it is our duty, as representatives of the people, and as Americans, to do everything in our power to live up to this ideal no matter what the cost. We are here today to perform our duty, not to bring a Constitutional crisis, as some have said, but instead to protect the Constitution and the principles for which it stands.

All the evidence presented by both sides in this case leads us to the conclusion that the President of the United States, violated his oath of office, committed perjury both in a civil deposition and again in a federal grand jury. Those opposed to this proceeding have offered virtually no evidence to refute this conclusion. Instead, they rely on the assertion that although the President committed perjury, such a violation of the public trust does not rise to the level of an impeachable offense.

The President has twice sworn before the American people to uphold the Constitution and the laws of the United States and yet flagrantly and knowingly violated the very foundations of our legal system. The President’s actions were expressly aimed at thwarting justice due a citizen who brought a legal case against him. I find it difficult to comprehend how my colleagues, who purport to support the most vulnerable members of society, could overlook the President when he has illegally used the immense powers at his disposal to rob a person, without his same rank or privilege, of justice.

In this century, the Congress has voted overwhelmingly to impeach and remove federal judges for perjury, and at least 115 people are now in prison for lying under oath in civil cases not unlike the President’s. Even a member of the President’s Administration was recently convicted of lying under oath in a criminal case stemming from a consensual sexual relationship. Allowing the President to commit serious crimes against the legal system with impunity tells these people that their mistakes were not made in lying under oath, but rather in lacking the raw power to escape justice. Moreover, it sends a chilling message to all Americans who previously believed they enjoyed the equal protection of our laws.

I support a government based on integrity, morality, and respect for the law, and while I find no pleasure in casting my vote to impeach the President today, I also see no other option. It is a grim moment we all face, but no matter how difficult this decision may be, the alternative would be far worse. Equality before the law manifests itself not only in its protections, but also in its punishments. It defines us as Americans, whatever side we are on, and the framers of our Constitution did not want a President and direct attacks on our nation and the integrity our constitutional system of government. By adding “other high crimes and misdemeanors,” the framers of our Constitution knowingly chose a phrase that had been in use in English impeachment trials for nearly 400 years. “High crimes and misdemeanors” was historically understood to refer to serious official misconduct and abuse of the powers of government by the King or one of his officers. This is clearly the meaning the framers intended.

Alexander Hamilton characterized impeachable offenses as “political” actions that involve “injuries done to society itself.” George Mason stated that high crimes and misdemeanors are “attempts to subvert the Constitution.” Impeachment is the constitutional remedy for gross abuse of the official powers of the President or, in the case of bribery, criminal actions in the pursuit of official power. Crimes not rising to this level are not impeachable, but can be prosecuted in criminal or civil court. (It is not clear whether the Constitution is our nation and the integrity our constitutional system of government. By adding “other high crimes and misdemeanors,” the framers of our Constitution did not want a President and direct attacks on our nation and the integrity our constitutional system of government. By adding “other high crimes and misdemeanors,” the framers of our Constitution knowingly chose a phrase that had been in use in English impeachment trials for nearly 400 years. “High crimes and misdemeanors” was historically understood to refer to serious official misconduct and abuse of the powers of government by the King or one of his officers. This is clearly the meaning the framers intended.

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Constitutional scholars all agree that the framers of the Constitution did not want a President to be impeached simply because a majority of members of Congress disagreed with his policies or found his morals repugnant. We do not have a parliamentary system of government where a Prime Minister can be removed from office at any time. A strong and independent Presidency is vital to our constitutional order.

I have maintained an open mind throughout the Independent Counsel’s investigation and the Judiciary Committee’s hearings. I was prepared to consider any new evidence or charges brought forth by Mr. Starr or the Committee. As you know, Independent Counsel Kenneth Starr has spent nearly five years and more than $50 million investigating this President’s original Clinton investigation and the dubious real estate deal that happened before Mr. Clinton became President. Mr. Starr has produced no evidence of wrongdoing in the
nation into a constitutional crisis. But, in fact, this is a legitimate process contemplated by the Constitution and duly authorized by an overwhelming, bipartisan majority of House members. The only crisis we face now is the possibility that we might fail to do our duty as mandated by the Constitution.

This is not about overturning the will of the American people as expressed in the election of 1996. Great weight should be placed on protecting the decision made by the voters, and only the most extraordinary circumstances can justify negation of the people's will. I believe the circumstances in this case are extraordinary.

While most Americans find the President's underlying conduct in this matter deplorable—and he himself has already admitted as much—the right of accusing and of impeaching is not. But this Congress is not being asked to judge President Clinton's private sexual behavior or his personal morality. Despite what some would have you believe, this case is no more about sex than a bank robbery is about currency.

A grand jury is at the very heart of our judicial system. It is the chief tool by which we ferret out felonious conduct that should be prosecuted. Lying to a Federal grand jury is a grave offense, and the President clearly lied before the grand jury, with the clear intent of obstructing justice. And yet he chose to lie anyway.

Ours is a nation that holds the rule of law near to being sacred as any aspect of our form of government. We not only believe that all men and women are created equal, but also that all are equal under the law. Our republic is a tapestry woven from many strands—a written Constitution, laws and statutes, and, just as important, a body of precedents, traditions, and common law developed over more than two centuries. That tapestry is surely worth preserving.

Our responsibility, as Members of this Congress, is to keep it from being tattered by the winds which blow against our Republic. I am confident this House will not be found wanting.

Mr. Speaker, I append my statement of December 17, 1998, to this statement.

STATEMENT ON THE IMPEACHMENT OF
PRESIDENT WILLIAM JEFFERSON CLINTON

The votes I cast tomorrow on Articles of Impeachment against President Clinton will surely be the most profoundly significant and momentous of my career in public service. During the past 14 years in Congress, I have participated in two other impeachment proceedings; I have voted to send our armed forces into combat in Desert Storm; and I have engaged in countless other political battles. Some of these battles bordered on the absurd, while others truly helped define who we are as Americans, and what we stand for.

This is only the second time in our Nation's history that the House of Representatives will actually vote on Articles of Impeachment against a President of the United States. This, indeed, is an historic moment.

As I depart today to carry out my solemn responsibility, I believe it is important for me to first share my decision with those I represent.

Perhaps the greatest challenge I faced in reaching that decision was to sift through all the media pandemonium and relentless political spin, which has largely served to obscure—rather than illuminate—the facts and the law in this case.

I know some argue that this process is illegitimate and, by voting to impeach, Congress will plunge our nation into a constitutional crisis. But, in fact, this is a legitimate process contemplated by the Constitution and duly authorized by an overwhelming, bipartisan majority of House members. The only crisis we face now is the possibility that we might fail to do our duty as mandated by the Constitution.

This is not about convicting the President of perjury, obstruction of justice, or abuse of power. That responsibility is reserved exclusively to the Senate. No aspect of this debate has had more misrepresentation in the mainstream news media, and thus so poorly understood by the public. As one of our founding fathers, Alexander Hamilton, said clearly in Federalist Paper No. 66:

"The division between the two branches of the legislative, assigning to one of them the power of accusing, to the other of judging, avoids the inconveniences of making the same persons both accusers and judges."

This point is important, for it is a well-established principle of our system of jurisprudence that the standard of evidence to bring charges is substantially lower than that required to convict. Great weight would bring a case to a grand jury without a reasonable expectation that a conviction could be obtained.

While Congress does not operate as a court of law when we consider impeachment, this is nevertheless as close to a legal proceeding as Congress gets. And so, as a defacto grand jury, the question remains: Is this weight of evidence now sufficient to require the Senate to conduct a trial?

Is this vendetta against this President, or is it a venture against the entire executive branch? I bear him no personal ill will. While I have differed with President Clinton on numerous questions of policy, we have also worked closely with this Administration, and President Clinton personally, to pass NAFTA and build a bipartisan, free-trade coalition. And as recently as last week, I joined with President Clinton and other congressional leaders at Blair House, trying to forge a bipartisan consensus on Social Security reform.

Like the vast majority of my colleagues in Congress, and I dare say most Americans, I am terribly saddened by this entire, tawdry affair. I believe it has diminished our regard for our nation and the Office of the President, if not all elected officials. President Clinton is, undeniably, a shrewd political leader who possesses enormous personal charm and a remarkable intellect. But I cannot allow my admiration for President Clinton's considerable skills to cloud my judgment in this matter.

What else is this vote not about? It is not about overturning the will of the American people as expressed in the election of 1996. Great weight should be placed on protecting the decision made by the voters, and only the most extraordinary circumstances can justify negating that decision. I believe the circumstances here are far from extraordinary.

And it is precisely for this reason that the Constitution invests in the Congress the power to impeach a President. The framers recognized that, while the judiciary could adjudicate most cases of public malfeasance, a special process was necessary to accuse, try, and remove a President from office. Impeachment and conviction are the only means by which a President, fatally corrupted or guilty of abusing the power of his office, could be removed. These are the only means by which our Constitution and all the institutions therein can be protected from further damage.

Finally, this matter is most assuredly not about sex or lying about sex. While most Americans find the underlying conduct of
President Clinton solemnly swore to protect and defend the Constitution of the United States, and to see that the laws shall be faithfully executed. He is the principal law enforcement officer of the United States. What possible respect for the rule of law can any of us have—or demand of others—if our President is not to be held accountable for perjury in a matter of personal conduct? And because the underlying circumstances for lying relates to personal behavior? Is perjury relative? No. Does it only apply in certain cases? No. These are Nixian penalties selectively? No. Are some individuals more equal than others, and are we to treat them differently? Absolutely not. And I can think of no prerequisite to determine what our system of jurisprudence than to answer affirmatively to these questions. I cannot. Stating in the National Journal, noted that “Before President Clinton got caught, no constitutional expert had ever suggested it would be wrong to impeach a President for crimes such as lying under oath (even about sex), suborning perjury, or obstructing both a civil rights lawsuit and a criminal investigation.” And, I would add, if we needed a high threshold of perjury, as the Supreme Court defined it in 1973, in Bronston v. U.S. does not conform to perjury as the Supreme Court has defined it, and I have based my decision on a careful review of these articles and the supporting evidence, which is substantial and credible.

The heart of the case is perjury: Did President Clinton lie under oath when he gave testimony in his deposition in a civil rights lawsuit or when he subsequently lie under oath to a Federal grand jury when questioned about that testimony? That is the question I am pondering that he did lie. Even many of his most ardent supporters in Congress acknowledge that he lied and committed perjury in both instances. Some continue to argue, as Bennett, that he only intended to “mislead,” and that does not conform to perjury as the Supreme Court defined it in 1973, in Bronston v. U.S. But the President clearly lied before that high threshold of perjury.

Listen to what the President said when questioned by his own attorney in the Paula Jones lawsuit deposition before a Federal judge.

Robert Bennett, the President’s lawyer, said: “Ms. Lewinsky’s affidavit, she says ‘I have never had a sexual relationship with the President . . . Is that a true and accurate statement . . . ?’ President Clinton responded: “That is absolutely true.”

No reasonable person could conclude, from what President Clinton had to say, that there was any perjury that occurred between the President and Ms. Lewinsky, that this statement is anything other than a perjurious lie. So the only question which remains for me is wondering in considering the first two Articles of impeachment is whether perjury in a matter of personal behavior rises to the level of an impeachable offense. A legal definition of treason can be found in the Constitution itself, and federal statutes give adequate judicial guidance with respect to the matter of bribery. But the framers of the Constitution provided a mechanism to address treason that constitutes “other high crimes and misdemeanors.” I believe there is ample evidence of conduct—and there certainly is a felony—falls well within the bounds of what our forefathers intended the phrase “high crimes and misdemeanors” to include. The Minority Counsel for the Judiciary Committee relied upon language used in the 1974 impeachment report dealing with President Nixon to suggest that these are not impeachable offenses. The committee that voted out Articles of Impeachment in the Nixon case said: “‘Impeachment is to be predicated upon conduct seriously to conflict with the form and principles of government or the proper performance of constitutional duties of the President.”

But ours is a nation that holds the rule of law near to being sacred as any aspect of our form of government. We not only believe that all of us are created equal, but also that all are equal under the law. Our republic is a tapestry woven from many strands, including a written Constitution, numerous laws and statutes, and—just as important—a body of precedents, traditions, and common law developed over more than two centuries. If our Star Spangled Banner is worth any consideration, then it is the extraneous of law and justice for which it stands is worth preserving, too.
Mr. Speaker, I strongly believe that the process which has governed this gravely serious issue has been flawed from the very beginning. It has been decidedly partisan and one-sided. As Professor Arthur Schlesinger testified before the Committee, the framers further believed that, if the impeachment process procured in this bill of particulars must be seen as impeachable by broad sections of the electorate. The charges must be so grave and the evidence for them so weighty that they persuade members of both parties that removal must be considered. In the Committee and the consistent finding that about 60% of the American people do not support impeachment demonstrate that neither of these essential conditions has been met.

Some members of the majority argue that to fail to impeach the President would hold him to a lower standard than any other American and put him “above the law.” This argument has two fundamental flaws. First, the President is fully subject to indictment and prosecution after this term expires. The Independence Counsel is preserving certain options which would allow the federal government to take this very action. Second, the President is subject to a form of punishment which can not be imposed on average citizens—impeachment. However, the Constitution requires that he commit “Treason, Bribery or other high Crimes and Misdemeanors” in order to be impeached. These are not just any criminal offenses, but offenses which threaten the very existence of the state, our form of government, and the American people’s fundamental interest in exercising control over their leaders. The standard to prove such offenses must be very high.

Although impeachment takes place with the House of Representatives rather than in a federal courthouse, I do not believe that means fundamental legal standards which undergird our entire society become irrelevant. It is inadmissible to argue that the President is entitled to a lower standard of protection than any other citizen. I agree with my colleagues that “no citizen is above the law.” At the same time, no one should be below it either. It is a fundamental premise in our system that someone can not be tried without being informed of the specific charges against them. It is impossible to mount a defense against unknown or extremely vague charges. In addition, our legal system is based on the bedrock tenet that charges must be substantiated by an increasing level of proof based on the seriousness of the offense. Perjury and obstruction of justice are serious offenses indeed.

As a result, federal law, the authority on which the independent Counsel bases his charges, request the government to prove “beyond a reasonable doubt”—the weightiest burden of proof in our system—that a defendant committed these offenses.

The Articles of Impeachment before the House today fail to provide the President, or the members of the House with specific statements or actions which the majority contends constituted “perjurious, false and misleading testimony.” Article I states that the President provided false statements concerning the “nature and details of his relationship with subordinate Government employee” and “testimony he gave in a Federal civil rights action brought against him.” Article II states that he President
provided "perjurious, false and misleading testi-
mony in responses to questions deemed rel-
levant * * *" about "conduct and proposed
conduct" and "the nature and details of his re-
lationship [with Ms. Lewinsky]."

What specific statement does the majority believe? What were the "rel-
levant questions"? Where are the specific statements which meet the legal requirement
of proof beyond a reasonable doubt? With the stakes as high as they are, it is unacceptable
for the Committee to offer vague generalities as the grounds for impeachment. If the Com-
mittee could meet the legal standard which applies in every courtroom across America, a
reasonable person would conclude that those statements would be listed in the Articles. Fail-
ure to do so leads me to conclude that the majority cannot meet the standard so it has
restored to vague generalities. This conclusion is buttressed by the testimony before the
Committee of five former Federal prosecutors who were unanimous in their conclusion that
the evidence supporting the charges of perjury and obstruction of justice is extremely weak.
In addition, it is clear that no reasonable federal prosecutor would ever take a case
based on the evidence before this body to trial. Voting to impeach the President of the
United States requires that this institution have clear and overwhelming evidence that he en-
gaged in a misconduct which would warrant impeaching and removing him from office to
determine our system of government. Absent this proof, it flies in the face of the intent of the
founders to impeach the President.

The fundamental weakness in the process extends to the Committee's investigation of
and deliberation on this nationally significant issue. One only needs to consider a few ex-
amples to understand the fundamental short-
comings of the process. First and foremost, the Committee did not conduct an independ-
ent investigation of this complex situation. It relied exclusively on the evidence gathered,
and packaged, by the Independent Counsel. This evidence and the testimony of the wit-
tesses was never subject to across examina-
tion by the defendant—the President of the United States. Our legal system relies on an
adversary process and the marketplace of ideas in the cross examination of witnesses—to dis-
cover the truth and to expose fundamental contradictions. The evidence and testimony
gathered without the benefit of this process would be considered suspect, and strongly
challenged, by virtually any lawyer in this country.

The fundamental weakness of the evidence has only been compounded by the fact that
the Committee did not hear testimony directly from any of the central witnesses in this case.
During the December 18th hearing, the Judici-
ary Committee called several of the central
figures in the drama—John Mitchell, John
Dean, Charles Colson and Alexander
Butterfield—to testify. The members of the Com-
mittee—Democrat and Republican—were
able to question these witnesses directly, fol-
low-up on vague answers, or pursue lines of
questions as they developed. The Committee
did not rely solely on an outside entity to gath-
er evidence and question witnesses when considering whether or not to impeach the
President.

Quite to the contrary, the Judiciary Commit-
tee did not hear directly from a single witness
who was a participant in any of the events in
question. The fact witnesses today include
Monica Lewinsky, Linda Tripp and Betty
Currie. The majority on the Committee main-
tains that it would have been too unseemly to
call these witnesses, it would have been too
embarrassing. These excuses fail far short of
the mark. The House has the Constitutional
authority to call witnesses. This is not an easy
task, it is not fun—and it should not be.

Nevertheless, the House has an obligation to hear from witnesses directly and to question
them in an effort to get information which re-
fl ects all sides of the story. The failure to do
so dramatically undermines the credibility of
the Committee's findings because it abdicated
its responsibility under the Constitution by rely-
ing exclusively on the evidence and testimony
presented by the Independent Counsel.

I believe it is absolutely critical for the
House to conduct an independent, direct in-
vestigation because members are acting on
behalf of the American people. This body is
considering taking step to overturn two na-
tional elections. In order to take this action,
this body has a solemn obligation to gather
evidence, examine the central witnesses and
ascertain the outcome which could have a

impact on the decision to impeach. Account-
ability for this decision rests unequivocally with
this institution—not the Independent Counsel,
not a grand jury, not even with the President.

As a result, it is incumbent on the House to
take the predominate role in the investigation.
This essential standard, which guarantees ac-
countability to the American people, has not
been met.

I would like to take a moment to review the
Articles before the House. I have already com-
mented on and covered much of Articles I and II
from a legal standpoint. They consist of noth-
ing more than vague generalities unsupported
by clear and convincing evidence. It goes
without saying that the Constitution demands
that the President be charged with specific
acts of wrongdoing which are substantiated
by overwhelming evidence before he can be
impeached. Article III appears to be a catchall
category where the majority piled on allega-
tions. This action only serves to compromise
the process further.

Article III includes both in terms of the
charges it levels as well as a historical sleight
of hand the majority attempts. This article
maintains that the President "contravened the
authority of the legislative branch ... in that
... [he] refused and failed to respond to cer-
tain * * *" requests for admission propounded to him. The
... as far as I know, the Committee sent the
President 81 questions and he responded to
each of them. In fact, the responses were provided around Thanksgiving that
members on the majority side of the Com-
mittee found the answers to be "arrogant" and
"not contrite enough." Perhaps this Article
should read that "the President failed to pro-
vide contrite answers to the Committee's
questions." This would be a more accurate
description than the President failed to re-

duce to the Committee's request for informa-
tion.

This article also concludes what I referred
to above as a constitutional "high ground." The third
Article of Impeachment against President
Richard Nixon stated that by refusing to com-
ply with 8 subpoenas approved by the Judici-
ary Committee requesting more than 140 doc-
ments and taped conversations, the Presi-
dent had "assum[ed] to himself the functions
and judgements necessary to exercise of the
sole power of impeachment vested by the
Constitution in the House of Representatives."

The Committee levels this very same, pro-
foundly serious charge against President
Clinton. It does so in the absence of the Presi-
dent ever having served with any subpoenas from the Com-
mittee and provided responses to questions sub-
mitted in writing.

It strains credibility to maintain that the President "assumed", the authority of the
House in this area. The Judiciary Committee
has worked with counsel little impediment to bring us to where we stand
today. The Committee uses this language completely out of its historical context. The
statement was appropriate 24 years ago when President
Nixon defied multiple subpoenas and withheld documents and other materials
which were crucial to the investigation. There
is no parallel today by any stretch of the
imagination. The decision appears to be yet
another attempt to boost charges, which lack
substantial factual background, with rhetoric
which suggests the President committed ter-
rible offenses. This tactic further demeans an
already flawed process.

I would like to make one final point which il-
ustrates that this process does not comport
with the Constitution. Article I, Section 2 of the
Constitution states that the "House of Rep-
resentatives * * * shall have the sole Power of
Impeachment." Impeachment is the power to
charge—not judge. Article I, Section 3 grants
the Senate this authority. It states that the
"Senate shall have the sole Power to try all
Impeachments" and that "judgement in Cases of
Impeachment shall not extend further than
removal from Office, and disqualifcation to
hold and enjoy any Office of honor, Trust or
Profit under the United States." It is up to
the Senate to determine whether or not the Presi-
dent should be removed and/or disqualified
from holding any other office. However, in
each and every one of the Articles before us
today, the majority makes this very judgement.

This is not the role of the House as set forth
in the Constitution. Where is the indignation
about the rule of law or the lofty commentary
about our duty to uphold the tenets of the
Constitution? It is ironic that in an Article alleg-
ing that the President usurped the authority of
the House, the majority is usurping the author-
ity the Constitution grants to the Senate.

Mr. Speaker, the founders designed im-
peachment as a "last resort" to remove a
President who was impervious to any other
method of control. They set the bar very high
in an effort to ensure that impeachment would
not become a weapon which could be de-
ployed for partisan political gain. Removing a
sitting President requires the proponents of
such action to demonstrate clearly, convinc-
ingly and specifically that the President has
commited "Treason, Bribery or other high
Crimes and Misdemeanors." It is clear to me
that the proponents have not met this stand-
ard.

Moreover, the gravity of the action demands
that the House utilize a decision making proc-

t which adheres to fundamental legal and
Constitutional principles. This Article.

December 18, 1998

COMMERCIAL RECORD — HOUSE
met and he has not been informed of the specific actions which have placed him in jeopardy. In addition, in my opinion, the House has abdicated its duty under the Constitution to gather the facts and to hear from the witnesses directly. The independent Counsel statute does not supersede the Constitution. It does not prevent the legislation that this institution has to the American people, and to itself, to conduct an independent investigation and to hear directly from material witnesses before taking the momentous step of impeaching the President. The House has failed in this regard and, in my opinion, the legitimacy of the Articles before us today.

Mr. Speaker, I know all too well what American symbols to the world. My mother and father survived Hitler and Stalin and fled to the United States following World War II. To them, this country was a shining beacon of democracy, human rights, and the principle that the rule of law is fixed by a constitution which cannot be changed by the whim of one ruler, or, even, a legislature.

The action of the Republican majority in bringing these Articles of Impeachment to the floor resembles a coup more than the Constitutional impeachment process the founders intended. I do not use this language lightly, I do not make this point frivolously. I have come to this conclusion based on the fact that these Articles do not meet the standards demanded by the Constitution and our legal system. It would be understandable if a flogging democracy in Latin America or the Third World was struggling to determine the practical operation of provisions of a new constitution and errored in so doing. But the United States, as the world’s oldest constitutional democracy, could not be further removed from this scenario. After 210 years, we know the intention of the framers concerning impeachment. The misuse of the process is sending a terrible signal to the nations of the world that emulate the United States because we are governed by a set of fundamental constitutional principles which are grounded in the intent of the framers.

Due to Constitutional, legal and procedural shortcomings, I cannot support these Articles of Impeachment. In Federalist 65, Alexander Hamilton wrote these words to describe how he feared the impeachment process could be misused: “. . . There will always be the greatest danger that the decision [to impeach] will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.” Hamilton foresaw the abuse we witness today. Members should heed his warning and vote against the Articles of Impeachment.

Mr. PALLONE. Mr. Speaker, let me start by saying how wrong it is to conduct this debate while our troops are in harm’s way. Saddam Hussein will surely be emboldened by the Republicans’ comments and conduct today and that will undermine our policy toward Iraq and our national security interests.

Since we have nonetheless decided to proceed, I want to take issue with the opening remarks of the Chairman of the Judiciary Committee, Mr. HYDE.

I deeply regret his effort to characterize the impeachment of the President as necessary to uphold the Constitution and the rule of law. He is wrong on both counts.

Equally offensive to me was Mr. HYDE’s suggestion that the Radical Republicans who seek to impeach our President today are carrying out the legacy of Moses, ancient Greece and Rome, the Magna Carta and all the precursors of Democracy, which we hold so dear.

The Radical Republicans who seek to impeach the President are, in fact, the heirs of those who would undermine democracy—those who would create a tyranny of the majority: Cromwell and his Puritans who sought to use the British Parliament to abolish freedom of religion, Robespierre and the French National Assembly who initiated the Reign of Terror, and most analogous—the Radical Republicans who seek to overturn the wishes of the assassinated President Lincoln, salted the wounds of a divided America after the Civil War and unjustly impeached President Andrew Johnson.

Mr. HYDE said the Republican effort today is not a vindictive political crusade. I fact, that is exactly what it is—one of the darkest days in the nation’s history, and a blot on our democracy just as dark as the impeachment of President Andrew Johnson without cause.

Why do I cite the tyranny of the majority? Because the Radical Republicans will not let the Members of this House consider and vote on a bipartisan compromise of censure. The Radical Republicans are guilty of thwarting the will of the American people.

Why do I say that the Radical Republicans are not respecting the Constitution? Because the President’s conduct, while reprehensible, does not fit the definition under the Constitution as an act of treason, bribery or high crimes and misdemeanors, and therefore does not rise to an impeachable offense to justify the removal of the President.

I listened carefully to Mr. HYDE’s remarks earlier and he seemed to suggest that it was necessary to lower the bar for impeachment to include lying about sex because the President held such an important position and needed to serve as a moral authority. But our job under the Constitution is not to set moral standards, as Mr. HYDE suggests, but to uphold the Constitution and the rule of law.

The Radical Republicans in seeking to impeach the President do the opposite. In the tradition of the Civil War, after the Civil War, they rip apart the Constitution in a politically vindictive tyranny of the majority.

Mr. EDWARDS. Mr. Speaker, except for a declaration of war, a U.S. Representative can never be called upon to make a decision requiring more serious or solemn consideration than on a vote to impeach a President of the United States.

I believe what President Clinton did was indefensible and immoral, but I do not think his actions, however, wrong, reached the high threshold demanded for impeachment and the overturning of the only national election in our democracy.

Over 200 years ago, George Mason proposed the language in Article II, Section 4 of the Constitution establishing the grounds for impeachment as “treason, bribery or other high crimes and misdemeanors.” He defined these actions to mean only “great and dangerous offenses” or “attempts to subvert the Constitution.” Having a private affair and hiding it are wrong under any circumstances, but I am not convinced such actions “subvert the Constitution” or nullify the votes of 47 million American citizens.

I condemn the President’s actions and believe bipartisan congressional censure and the possibility of future criminal action would be appropriate punishment for his affair and subsequent misleading statements.

I consider the chance that a Senate conviction would be extremely remote, the specter of a three to nine month Senate trial with tawdry televised testimony from Monica Lewinsky, Linda Tripp, and Kenneth Starr would punish the nation and our families far more than it would punish Bill Clinton.

The President should be strongly censured by Congress and then have his day in court like any other citizen. He should not be above the law and he should not be below the law. History and God will be his ultimate judge.

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

In the name of the Constitution, this process trampled on the Constitution, Article II and VI. In the name of “the rule of law” this process ignored the fundamental principles of due process and fairness that form the foundation of that rule of law. In the name of “no person shall be deprived of life, liberty or property without due process of law” this process forgot that no citizen should be below the law. In the name of justice, this process ignored the pillar of justice that in our nation, a citizen is innocent until proven guilty, not guilty until proven innocent. In the name of America, this process ultimately dealt a great blow to the “real” American. History will judge this process as a combination of Kafka, “To Kill A Mockingbird,” and Keystone Kops.

Mr. Speaker, if the Golden Rule were to be our guide, who among us in this House would want to be a defendant in a case where the rules of law and fairness were ignored? Where secret grand jury testimony was released to the world? Where there was not one direct fact-witness? Where your defense attorney was limited to one hour of cross-examination of your chief accuser? Where forty years and forty million dollars investigating you? Where your attorney was forced to give your final defense before even one formal charge had been presented against you? Where the charges of perjury that were finally presented at the 11th hour failed the test of decency to list which statements were allegedly perjurious?

Surely, Mr. Speaker, no Member of this House would ever want or deserve to be a defendant in such a case. Yet, if we would not be so judged by this process, why would we then judge anyone else by that process? To even suggest that such a process was somehow fair because impeachment is not a trial would be to hide behind a fig leaf of legalism for those who claim to respect the principles of “the rule of law” and “equal justice under law.”

I will not question the final decision of any Member of this House for these are votes of conscience. However, just as we are judges today, history will judge this Congress tomorrow and for generations to come. Perhaps the ultimate justice is that history will judge that on this matter, the Congress and the President both failed to meet the highest standards in the sacred stewardship of the public trust.
As we end this Congress, regrettably, on a note of partisanship and ill will, one week be- fore Christmas, perhaps it would be good if the President and all of us of all faiths, myself included, paused in the days ahead to reflect on the values of a small child born in Beth- lehem whose life taught the world the power of love, forgiveness, and compassion. Maybe then the next Congress and our President could share the common bond and highest ideals of public service.

Mr. SERRANO. Mr. Speaker, I rise to op- pose the resolution providing for the impeach- ment of the President of the United States to protest this very unfair and partisan proc- ess. The Republican majority in this House is railroading President Clinton, thwarting the will of the American people, and setting dan- gerous precedents for the use of impeachment against future Presidents.

It is particularly outrageous that you Repub- licans insist on moving forward with this pro- ceeding at the very time the United States is leading military strikes against Iraq and U.S. military personnel are in harm’s way. It cannot help our military’s morale or bolster our authority in the world that the Com- mander-in-Chief is under attack by rabid par- tisans who don’t seem to care what other harm they cause if they can drag this Presi- dent down.

I join the five Members who voted against any investigation of the President and I will not vote to impeach him. I honestly be- lieve that what President Clinton is accused of doing does not reach the threshold the Fram- ers established for impeachment. The Presi- dent’s actions have not threatened the na- tion’s stability or brought on an attack on the Constitution or presented problems for our Constitutional process.

Short of declaring war, a vote on Presi- dential impeachment is the most serious vote a Member of this House can cast. But not all Members are taking this historic duty seri- ously. Many on your side of the aisle, Mr. Speaker, seem to forget that the Starr referral tells only one side of the story. It appears many have refused to consider the presentations of the President’s lawyers or any other infor- mation that might support the President’s case against impeachment.

In fact, much of what we see today is the result of the desire of a group of people, in- cluding many House Republicans, to destroy this President. Within weeks of his election, I was seeing “Impeach Clinton” bumper stick- ers. And now, as columnist Richard Cohen put it in a Washington Post op-ed on Tuesday, Republicans have made impeaching President Clinton “a matter of party discipline, not of conscience, service, or logic.”

How else to explain how an investigation that began with Whitewater became an impeach- ment process based on a private con- sensual affair? Or why the Judiciary Com- mittee failed to set a standard for impeachment or to its higher than the charges being called wit- nesses with knowledge of the facts, but in- stead just swallowed the Starr report whole? Or why the Republican leadership will not let the House vote on censure?

Of the articles of impeachment, the two al- leging perjury are considered the more plau- sible—most experts believe the evidence does not support allegations of obstruction of justice or abuse of power—but I am very concerned about how loosely the term “perjury” is being used in this process.

I am old enough to remember when of- fenses like loitering or vagrancy were used to harass poor people, minorities, antiwar activ- ists, and other undesirables, until the courts threw them out and kept them away from the law. Now, “perjury” is being used broadly to refer to incomplete, misleading, even false state- ments, but “perjury” has a much more specific legal meaning, and I don’t think the Repub- licans have proven that it occurred in this case. But rather than criticize the President’s members of the Judiciary Committee by remembering all that the precise language of the law is a pro- tection of our liberties.

The Founders did not provide for impeach- ment to punish a President for behavior Con- gress doesn’t like, for refusing to confess in public to an offense he doesn’t believe he committed, or for not being contrite enough.

Mr. Speaker, any offenses the President may have committed were not against our Constitution or our republic. Nothing he is ac- cused of amounts to bribery, treason, high crimes or high misdemeanors. A private con- sensual relationship is not an impeachable of- fense. Nor does any element of this sorry situ- ation justify overturning a national election and disenfranchising millions of Americans.

The American people are smart enough to understand what the President did and they say “Stop!” They continue to support the Presi- dent, and that is what we should do. I will con- tinue to support President Clinton and his ef- forts to make life better for all Americans. There is still a lot of work to do, and Bill Clinton has the ability, the resilience, and under- standing to handle crucial issues before us. That is what is important and this is what the American people want.

Mr. Speaker, the nation has had enough. Impeachment is overkill in this case. We don’t need the spectacle of a Senate trial to divert attention from the nation’s business for second year, or even part of a year. We don’t need the long-term political warfare a near party-line vote will surely generate.

For all these reasons, I urge my colleagues to vote against impeaching President Clinton. Mr. Speaker, many of my colleagues have spoke today about the legal aspects of the impeach- ment procedure and I want to speak on this matter in terms that the people of this great nation understand. I will speak about the real reasons why the Republicans want to im- peach President Clinton. Mr. Speaker, a short time after Bill Clinton was elected, I began to see “Impeach Clinton” bumper stickers along certain parts of I-95. It dawned on me then that his Presidency was one that was going to continue, come what may. Whether or not it turned out to be a good one. Since that time the right wing has not given up on its de- sire to destroy his Presidency. Talk shows hosts quickly began to insult him and show a lack of respect for him and his office. It should be clear to anyone who has paid attention that the right wing has not gotten over the fact that the President has been elected and re-elect- ed. And so here we are today in the middle of a right wing coup. It does not matter what they tell you here today, the fact is that the major party is trying to undo the last two elections. The President has not turned over his office to anyone who has had paid attention that the right wing has not gotten over Bill Clinton’s success as Presi- dent. And so what we are seeing today is an attempt to use the Constitution as a bul- ly’s weapon. You Republicans may have the votes to overthrow this President but you do have the support of the same American people who you always hold up as the people we, in the Congress, should listen to. You may have the votes but the American people will not let you get away with it. An investigation and debate over what has come back to us as an impeachment having to do with the private life of the President. This in- vestigation consisted of illegal tape record- ings, one-sided testimony, and no provisions for the Presi- dent to mount a proper defense. You are asking the people if you should be able to use all of this information in order to build opinion against the President and set out to finally get him. But it backfired. The American people have not bought your bullying tactics. They have told you over and over again to leave this alone. Just because you have the majority of the votes you don’t have the right to over- throw this President and abuse the powers you get from the Constitution. You think you are going to get away with this but it won’t work. You are going to hear from the people in a way like never before. This is a mean, un- fair thing you are doing and it will come back to haunt. In the meantime we all will have to try to undo the damage you have done to this nation in this Chamber here tonight.

Mr. GILMAN. Mr. Speaker, I share the out- rage and disappointment expressed by my constituents and colleagues. The President’s actions violated the trust we accord our Na- tion’s leader. Moreover, Mr. Speaker, several of our dis- tinguished colleagues have contended, during the House of the Second in the Judiciary Com- mittee, and then during this debate today, that this action has revolved solely around sex. That is not accurate. This debate is no more about sex than the Watergate debate was about a third-rate burglary.

The debate then, as now, is about the coverup efforts subsequent to the initial act: The perjury, the suborning of perjury, the ob- struction of justice, and abuse of power. These are the grave issues we must consider, and we must judge as worthy of impeachment. It is against that background that our deci- sion whether or not to vote for impeachment must be taken.

This is a difficult decision for all of us, prob- ably the most difficult of my career in the Con- gress. I thank my constituents who shared their views. I recognize that there has been a great deal of serious thought, and soul search- ing on both sides. I am deeply impressed, and grateful, by the sophistication and sincerity of the arguments my constituents have shared with me.

Mr. Speaker, I have been closely following the committee’s proceedings. I have just recently had the opportunity to review the 400 page Judiciary Committee’s report, to listen to floor debate, and the arguments by constitutional authorities. Most importantly, I have searched my own conscience, and weighed my 48 years of experience and judgment, including my 35 years of public service in reaching my decision.

While none of us should minimize the grav- ity of the impeachment process, we must bear in mind that the House has no final word in the process if any official should or should not be removed from office. Under our Constitu- tion that role is assigned to the other body. An impeachment vote in the House is equivalent...
under the law to an indictment. Essentially, our vote in the House is an accusation. Refer-
ral of this issue to the Senate is not removal, but merely a finding of probable cause to be-
lieve a removable offense may have occurred.

Having fully considered all of the facts be-
fore us, reluctantly, I have come to the conclu-
sion that probable cause in fact exists. Ac-
cordingly, I shall be voting in favor of at least
one article of impeachment.

There is little doubt that perjury has taken
place. The President's defenders do not deny
this, but have confined their argument to con-
tending that such perjury, while regrettable,
does not rise to the level of impeachment.

I respectfully disagree with that analysis. Perjury is a serious crime in all 50 States. In
most States, perjury by an attorney leads to
automatic disbarment. There have been eight
Federal judges impeached on charges of per-
jury in this century. Today, over 100 Ameri-
cans are imprisoned for the crime of perjury.

The argument that perjury committed by our
Chief by himself and the White House with
certain subjects, is somehow exempt from
the law is disingenuous.

I have considered the allegation of the
President's perjury in context, and have con-
cluded, to my distress, that a pattern of ob-
struction of justice has been proven. A President cooperate with the Special Prosecu-
ror's office but in fact worked to delay, ob-
struct, and frustrate the work of the Special
Prosecutor. This is in marked contrast with
President Ford who cooperated fully at all
times with the Special Prosecutor appointed
to investigate allegations against their
administrations, despite the fact that it
has been argued that the Special Prosecutor
in those cases was less than impartial.

Along with the millions of Americans, I was
distressed that the White House and its sup-
porters adopted a strategy of attacking the
motives and character of the Special Prosecu-
or rather than responding to the specific
charges made by his office. This attitude per-
sisted until, in the end, the Judiciary
Committee hearings and was, I believe, gross-
lv inappropriate for an investigation of this
gravity.

Some of our colleagues have also con-
tended that the Senate will assume our
Government for months. In fact, one of our
colleagues stated that it would take up the
better part of next year. Mr. Speaker this is
not accurate. There is no reason whatsoever
that action in the other body cannot be
reached either.

For one thing, the president's defenders did
nothing to dispense with serious charges. They also left substantial evidence unattended. Instead, they tried to im-
pugn the President's credibility and to belittle his
accusations, even while conceding the truth
of some of them.

More important, the Constitution does not
require that the committee's inquiry to a trial of
the president. Despite Democrats' arguments to
the contrary, the committee's vote on ar-
rests of impeachment constitutes no greater than a
recommendation that the Senate conduct a trial leading to a finding of
guilt or innocence. Yes, a more energetic in-
quiry would undoubtedly be helpful toward that
ultimate decision, but the disappointments
of the committee's inquiry did not remove the
need for that decision to be made.

The question of the president's fitness to
hold office remains a disturbing and viable
one, which the House must now pass to the
Senate.

Many still hope to deflect the orderly proc-
cess dictated by the Constitution. They would
have Congress decide now on a meaningless nonexistent punishment—censure—rather
than reach a finding that the presi-
dent has committed wrongdoing sufficient to
remove him from office. Clinton, to no one's
surprise, has now publicly joined those clam-
ing for this, a nonconstitutional cop-out.

The Judiciary Committee's Republican
majority was right to reject that option. The
full House should also heed the words of
Chairman Hyde, that "a nonconstitutional res-
olution or amendment proposing censure of
the president in lieu of impeachment vio-
lates the rules of the House, threatens the
separation of powers, fails to meet con-
stitutional muster."

That means that Hyde, who would be in-
strumental in preparing the case to be
presented in the Senate, must be prepared to get to the core of this
case, finally.

Clinton continues to insist that he did not
lie under oath in denying certain details of
Monica Lewinsky's descriptions of their sex-
ual encounters. Hyde chose not to probe the
truth of those two figures in his
committee inquiry. He will have to do so be-
fore the 100 senators-turned-judges, who
must not pre-judge and who will need more
evidence and circumstances and circumstantial evi-
dence to make their own momentous deci-
sion.

Mr. WELDON of Florida. Mr. Speaker, col-
leagues, it is with great sadness that I rise to
support this resolution. I would like to con-
clude my remarks to the issue of judgment.
Several speakers on the minority side have risen today and quoted the scripture
"Judge not, that you be not judged.,

It is very apparent that our friends members
should be quoting this verse. For it tells us
that when we appear before the throne of
God, we will judge us by the measure
we have used to judge others here on earth.

Careful reading of the scripture, however,
makes it clear that the message is not that we
should never judge or exercise judg-
ment. Indeed, in the same chapter of the
Bible that my colleagues have been quoting, Jesus
goes on to warn the people to exercise judg-
ment and "not cast pearls before swine", and
in another verse that consensual sex is a subject that it is OK to
perjured yourself about.

Most scholars interpret this verse of scrip-
ture previously quoted about not judging to
mean that we should not condemn others for
their faults, and that we should forgive those
who offend us.

However, it has never been proposed by
any reasonable person that this verse of scrip-
ture asserts that we are to let criminals go free
or that our law should not be upheld.

Bill Clinton is not being judged by the mem-
bers here as much as he is being judged by
the law itself. The preamble to the Constitution
tells us that the Constitution was created for
among other reasons to establish justice.

To blithely forgive or ignore these offenses is
to make a mockery of justice.

Mr. Speaker, I will state that under oath, to
encourage others to provide false testimony, to
conspire to conceal evidence, or otherwise im-
pede or obstruct an investigation is a felony
punishable by imprisonment.

Indeed, the committee took testimony from
two individuals, one who actually went to jail,
the other received house arrest for lying about
sex before a grand jury.

Every year in America people go to jail for
committing perjury. Our laws do not specify that consensual sex is a subject that is OK to
perjured yourself about.

When we think of the verse of scripture
quoted. "Judge not and you will not be
judged," I believe the important question we
should be asking ourselves as members is
whether the law is upheld.

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whether the law is upheld.

In the same chapter of the Bible, the
President is also quoted, "Judge not and you
will not be judged." I believe the President
does not rise to the level of impeachment.

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among other reasons to establish justice.

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perjured yourself about.
The very essence of national morality and virtue is a citizenry that can exercise sound judgment. Sound judgment dictates that the President be impeached, and tried in the Senate. The only middle ground in this situation is acquittal in the Senate, not a meaningless un-constitutional presidential censure. 

The Democrats wrote the statute creating the office of the independent counsel, and Janet Reno authorized the expansion of his investigation into the matters before us. The findings indicate felony offenses that could send the average American to jail. Present for himself when he signed the reauthorization of the independent counsel act in 1993 issued a statement in which he said: “It ensures that no matter what party controls Congress or the executive branch, an independent, nonpartisan process will be in place to guarantee the integrity of public officials and ensure that no one is above the law.”

To ensure that no one is above the law the resolution must be approved and sent to the Senate for trial.

STATEMENT BY PRESIDENT WILLIAM J. CLINTON UPON SIGNING S. 24

I am pleased to sign into law S. 24, the re-authorization of the Independent Counsel Act. This law, originally passed in 1978, is a foundation stone for the trust between the Government and our citizens. It ensures that no matter what party controls the Congress or the executive branch, an independent, nonpartisan process will be in place to guarantee the integrity of public officials and ensure that no one is above the law. Regrettably, this statute was permitted to lapse when its reauthorization became mired in a partisan dispute in the Congress. Opponents called it a tool of partisan attack against Republican Presidents and a waste of taxpayer funds. It was neither. In fact, the independent counsel statute has been in the past and is today a force for Government integrity and public confidence.

This new statute enables the great work of Government to go forward—the work of reforming the Nation's health care system, freeing our farmers from the grip of crisis, restoring investment in the people who make our economy more productive, and the hard work of guaranteeing this Nation's security—before we charge our independent counsel statute.

It is my hope that both political parties would stand behind those great objectives. This is a good bill that I sign into law today—good for the American people and good for their confidence in our democracy.

WILLIAM J. CLINTON


Mr. YOUNG of Florida. Mr. Speaker, as one of 23 members of this House who served in the 93rd Congress, the last time the House was presented with articles of impeachment against a President of the United States, I know there is no joy on either side of this issue. There certainly will be no joy, whatever the final outcome, when the House completes its deliberations.

It is never a pleasant situation to sit in judgement of another person, but that is our Constitutional responsibility when it comes to the President. Each of us took an oath of office to “faithfully execute the office of the President of the United States” and “to faithfully discharge the duties of the office.” Therefore, we are obligated to debate and consider the four articles of impeachment before us today as reported by the Judiciary Committee.

Likewise, President Clinton took an oath of office to “faithfully execute the office of the President of the United States” and “to the best of my ability, preserve, protect and defend the Constitution of the United States.”

With allegations and charges as serious as those that have been made against President Clinton, it is obvious that they cannot be overlooked. Even my Democratic colleagues are demanding a resolution of condemnation.

Clearly we must, and The Constitution tells us that is to follow the procedure established by the Constitution to consider articles of impeachment.

If we fail to follow proper procedure, future generations of Americans may see our lack of resolve as a precedent that in some way excuses or overlooks serious lapses of public trust or criminal acts committed by future Presidents. This lack of resolve could tempt future Presidents to bend or violate the rules of law.

Some of our colleagues suggest that the House consider a resolution to censure the President, saying that impeachment is too severe an action. The problem with censuring a President is that it becomes a precedent that could be used anytime a majority of the members disagree with any actions of a President. Those actions might simply be a political difference of opinion, not something related to the law or to a President’s conduct.

This would move our relationship between the legislative and executive branches more towards that of Parliament, where votes of confidence are the only actions that can lead to a dissolution of the government. That was not the intent of the authors of our Constitution and as our colleague HENRY HYDE, the chairman of the Judiciary Committee has said, threatens the separation of powers that is the cornerstone of our government as provided for by the Constitution.

Mr. Speaker, the United States has been the target of many enemies over the past 222 years of our nation's history. Those enemies have attempted to destroy our nation with the intent of trampling on the rule of law and the Constitution. Every attempt, though, has failed and the Constitution remains the standard by which all other forms of government are measured.

The single greatest threat to our Constitution may come from within our nation, from those who might one day fail to uphold the Constitution that we have sworn to protect. Such a failure would undermine the very basis for our government, rendering it to be nothing more than mere words on a piece of parchment. In other words, the best way to preserve and protect our Constitution is to abide by the law. This is a clear and convincing evidence that the President is guilty of the commission of “high crimes and misdemeanors” which are grounds for impeachment.

The debate today is as much about the erosion of this trust that has been placed in each of us as it is about the trust of the American people that a single President has betrayed.

Mr. Speaker, Congress cannot allow truth, justice and the rule of law to be sacrificed on the altar of political expediency. When future generations review our actions today, they will not be as concerned with the actions of this President as they are with the actions of this House to uphold the Constitution and ensure it remains the world pillar of freedom, liberty, and democracy.

Mr. BATEMAN. Mr. Speaker, I agree with those who believe that the House of Representatives has no constitutional authority to censure or reprimand a President in the course of deliberations with respect to the issue of impeachment of that President.

In my view, we could pass a resolution respecting the Sense of the House—or in a Joint Resolution the Senate and the House—indicating that if the judiciary committee had not by its report, presented us with a transcendent and unavoidable responsibility to lay to rest the question of whether or not Articles of Impeachment should be approved or disapproved.

Many of us might wish that we did not have to meet that issue and that the duty we have could go away. But it will not because duty cannot go away or be put aside.

The question before us is compound. It is whether there is clear and convincing evidence that the President has engaged in conduct that constitutes in the terms of our Constitution “high crimes and misdemeanors.” Under the Rules of the House, and in the diverse opinions of the members, it is obvious that issue only. If we determine that the President should be impeached, the constitutional responsibility of the Senate comes to bear because we have concluded there is clear and convincing evidence that the President has committed high crimes and misdemeanors, and the Senate should proceed on the proper constitutional course of action.

While this issue is unavoidable before us, we cannot by our Rules or our duty divert our attention to the issue of whether the President should be censured, and if so for what, and whether or not by his agreement or otherwise some penalty should be expected. This is a diversion, a distraction, and an evasion. We are not provided with this luxury.

If at some point in time we in this body, having approved an Article or Articles of Impeachment, and the Senate thereafter determines that the President should not be removed and offers instead a Resolution of Censure, we in the House can and should take it up. Then we could do so for there would no longer be pending before us the solemn and inescapable duty to determine without diversion, distraction, or evasion, the question that now looms before us.

Before the House charged the Judiciary Committee to proceed with an inquiry as to whether the President had committed impeachable offenses, we could have acted on a resolution to voice our displeasure with conduct of the President as a sense of Congress. No one, I repeat no one, now clamoring for censure chose to do so then and I don’t think that fact is without significance.

With distraction, diversion, or evasion we must face our solemn oath-bound duty to represent the question we face is there clear and convincing evidence that the President is guilty of the commission of “high crimes and misdemeanors” which are grounds for impeachment? Until we perform this duty, our Rules and duty dictate that any action to proceed with an inquiry as to whether the President should not be removed and offers instead a Resolution of Censure, we in the House can and should take it up. Then we could do so for there would no longer be pending before us the solemn and inescapable duty to determine without diversion, distraction, or evasion, the question that now looms before us.

Before we charge the Judiciary Committee to proceed with an inquiry as to whether the President had committed impeachable offenses, we could have acted on a resolution to voice our displeasure with conduct of the President as a sense of Congress. No one, I repeat no one, now clamoring for censure chose to do so then and I don’t think that fact is without significance.

With distraction, diversion, or evasion we must face our solemn oath-bound duty to represent the question we face is there clear and convincing evidence that the President is guilty of the commission of “high crimes and misdemeanors” which are grounds for impeachment? Until we perform this duty, our Rules and duty dictate that any action to proceed with an inquiry as to whether the President should not be removed and offers instead a Resolution of Censure, we in the House can and should take it up. Then we could do so for there would no longer be pending before us the solemn and inescapable duty to determine without diversion, distraction, or evasion, the question that now looms before us.

Mr. WICKER. Mr. Speaker, impeachment is a profound and complex process. In recent weeks, we have heard constitutional experts and historians testify at length about the standard for an impeachable offense. Debate has ranged from the finest points of law to the loftiest intentions of our founding fathers. For decades and even centuries to come, learned scholars will pore over every word of
these proceedings to discern their meaning and to analyse the precedents and implications of our actions today. For me, however, it comes down to one simple principle—this Nation must uphold the rule of law.

Standing for the rule of law includes recognizing:

That the Nation’s chief law enforcement officer cannot commit perjury and remain in office.

That the commander-in-chief of our armed forces should not be held to a lower standard than any of his subordinates.

That even the most ordinary and humble citizens are entitled to their day in court, and they are entitled to expect sworn testimony in that court to be truthful—even testimony from the President of the United States.

That felonious criminal conduct by the President of the United States cannot be tolerated.

The rule of law is more important than the tenure in office of any elected official.

The facts in this case are not really in dispute. Everyone agrees that the President was not telling the truth when he testified before the grand jury that he knew nothing about the sauce that had been used in the White House.

The court of law comes down to one simple principle—this Nation must uphold the rule of law.

Today is a sad day for this country and this House of Representatives.

Like many Americans, I cannot believe that this is happening, that we are in fact here debating whether to impeach our President for personal misconduct.

The debate is not whether President Clinton committed wrongdoing; he has admitted as much.

The question is whether the Congress should exercise its constitutional authority to overturn two popular, democratic elections.

** * * whether we should set in motion the process of removing the President for “high crimes and misdemeanors.”

However much we may dislike what the President has done, his action were private; they had nothing to do with his role as President.

Indeed, the Supreme Court, in ruling that the civil litigation against the President could continue, reasoned that he should be treated like any other private citizen.

What the President did was not a high crime or misdemeanor.

None of his actions created a constitutional crisis, they did not threaten the separation of powers, nor do they represent a corruption of the political process.

Those on the other side of the aisle say this is not about sex, but it is all about sex. That is the context of the allegations; that is the subject of the alleged perjury.

It makes all the difference in the world. Indeed, it seems to me and many others that this debate is merely the culmination of any effort that began when President Clinton took office—to undermine his authority as President and to saddle him with the baggage of constant investigation and insinuation.

Those who have pursued the President have turned justice on its head. We have been investigating the person, not the crime.

The House’s actions today undermine the Constitution; they undermine the balance of power that has protected us for more than 200 years.

Those who are so fervent in seeking to get the President have lost perspective. Not all crimes or misdeeds deserve impeachment.

We must distinguish between those actions which threaten our constitutional system of government and those that do not.

Our Founding Fathers chose the words—high crimes and misdemeanors—carefully and after long debate. They did not want the President impeached for any crimes, only high crimes.

They did not want the Congress to have the authority to impeach the president for personal defects and shortcomings or even for horribly inappropriate personal conduct. And they certainly did not want him impeached for partisan gain.

High crimes are those that impact the functioning of the republic, like treason or bribery. Lying, or even perjury, about a personal affair, simply does not rise to the level of a high crime as envisioned in the Constitution. His conduct, wrong as it was, did not put the nation in danger nor did it corrupt the political process.

Just because it does not amount to a high crime does not mean that it is right—only that it does not meet the high threshold set forth by our Founding Fathers in the Constitution for impeachment. And that is the question before us.

Many have argued that the President should not be above the law; he’s not. He has been sued and investigated for 6 years. He has been pursed and chased. And he will be subject to legal action after he leaves office. Our Presidents are not perfect individuals. There will always be some fault we can find, and if we proceed with impeaching this president, we will have opened the door in the future to the disruption of our political system and the balance of power.

Mr. KENNEDY of Rhode Island. Mr. Speaker, we have no right to stand here and debate the rule of law if we cannot even extend to the President of the United States the same due process as is required for even the vilest criminal. The majority has replaced the notion of due process with the notion that if you just say something enough times, it becomes true.

Whether or not the President did what he was accused of, this process is the legacy we leave to our children, and to impeach the President without allowing him due process does far more damage to our democracy than any act one man may, or may not, have committed. The golden spike in the transcontinental railroad building of this President is that the majority will not allow us to even vote on censure.

Four hundred historians said that the presidency will be permanently disfigured and diminished by today’s vote. Over two hundred Constitutional scholars echoed the sentiment that these offenses, even if proven true, do not rise to the level of impeachment. And two thirds of the American people are saying the same thing: don’t impeach.

You say that you are adhering to Constitutional process. But if you talk the Constitutional talk you better walk the Constitutional walk.

I don’t want to hear, although I suspect I will, you say that in order for us to get out of this crises “the President must resign.” If you do, you will short circuit the Constitutional process that you stand here today advocating for. If you want to get your way, you will not do that and that you will take responsibility, for what you are beginning today by bringing this country’s government to a halt?

Today we will be remembered for an impeachment when the punishment clearly does not fit the crime. Today we will be remembered for a political mutiny of our Commander in Chief when our troops are in the field. And today this Congress sends a message that the Constitutional scales of justice can be tipped to one side when it suits the purpose of one political party.

And everyone will know how we got there because you, the Republican majority, did not allow this democratic institution to work its will on a motion to censure and end this national nightmare.

When you are finished doing this, don’t come to the American public and say the President should resign and get us out of the Constitutional crisis. You got into it when you refused a censure motion as alternative to this constitutional crisis.

Mr. SPEICE. Mr. Speaker, I rise to address the matter before the House regarding the four Articles of Impeachment that have been reported by the Committee on the Judiciary. This is a situation that demands our most careful consideration and devotion to duty as Members of Congress. It is a matter that is not to be taken lightly. Each Member of this body must reason individually to reach the determination that must be made in order to fulfill our Constitutional responsibilities in the impeachment procedure. This is a process that should not be partisan, as it should be based on the application of the rule of law.

I believe that all of us recognize the seriousness of President Clinton being charged with violations against the Constitution. Much time and effort have been devoted to investigating an impeachment that could have repercussions on which this Resolution is based. I have followed the hearings of the Committee on the Judiciary concerning this matter with great interest and I am in agreement with the Resolution (H. Res. 611) that has been submitted by Chairman Hyde. H. Res. 611 outlines four articles as the basis for impeachment, which I shall summarize:

Article I—President Clinton willfully provided perjurious, false and misleading testimony to a Federal Grand Jury. I agree.
Article II—President Clinton willfully corrupted and manipulated the judicial process, in that, he willfully provided perjurious, false and misleading testimony in response to written questions seeking information in a Federal civil rights action, which was brought against him, as well as in a deposition in that action. I agree.

Article III—President Clinton prevented, obstructed and impeded the administration of justice through a course of conduct or scheme in a series of events between December 1997 and January 1998. I agree.

Article IV—President Clinton engaged in conduct that resulted in misuse and abuse of his high office, impaired the duty and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the Legislative Branch, in that he refused and failed to respond to written requests for admission, as well as willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission that were propounded as part of the impeachment inquiry that was authorized by the House. I agree.

It is clear to me that convincing evidence has been presented in regard to each of the four Articles that have been reported by the Committee on the Judiciary. Accordingly, I support all four Articles as reported by the Committee on the Judiciary. Mr. Speaker, I would also like to address the assertion that I have heard today that the consideration by the Congress of the impeachment of President Clinton, who is the Commander-in-Chief of our Armed Forces, would have a demoralizing effect on our men and women in uniform, especially while our Nation is engaged in military operations against Iraq. I can speak from experience, based on numerous conversations with Americans from all walks of life, who are now serving or who have previously served in our Nation’s military, that such a charge has no merit. In this regard, I would like to submit the following article by Major Daniel J. Rabil, of the United States Marine Corps Reserve:

[From the Washington Times, Nov. 9, 1998]

Please, Impeach My Commander in Chief

(By Daniel J. Rabil)

The American military is subject to civilian control, and we deeply believe in that principle. We also believe, as affirmed in the Nuremberg Trials, that servicemen are not bound to obey illegal orders. But what about orders given by a known criminal? Should we list in the tray of directives given by a known criminal? Should we trust in the integrity of directives given by a president who violates the same basic oath we take? Should we be asked to follow orders given by a known that Clinton was integrity-impaired, I thought even he could be so depraved, so contemptuous, as to conduct military affairs in a 1960s style, that a special career prosecutor’s report to Congress. In that report, we learn of a telephone conversation between Mr. Clinton and a congressman in which the President complained about a deployment. During that telephone discussion, the Commander-in-Chief’s pants were unzipped, and Monica Lewinsky was busy saving him the cost of a prostitute. This is the president of the United States of America? Should soldiers not feel belittled and worried by this? We deserve better.

When Ronald Reagan’s ill-fated Beirut mission led to the collapse of 241 Marines in a single bombing, few questioned his love of country and his overriding concern for American interests. But should Mr. Clinton lead us into military conflict, he would do so, incredibly, without any such trust. After the recent American missile attacks in Afghanistan and Sudan, my instant reaction was outrage, for I instinctively presumed that Mr. Clinton was trying to knock Miss Lewinsky’s concurrent grand jury testimony out of the headlines, knowing full well that this president—who ignores national security interests, who appeases Iraq and North Korea, and who fights like a leftover Soviet soldier in the Balkans—will go so far as to sacrifice the American servicemen. He is a leader who at least respects us—not one who cannot be bothered to remove his penis from a subordinate’s mouth long enough to discuss our deployment to a combat zone. To subject our services to such debased leadership, would not constitute the collective spit of the entire nation upon our faces.

Bill Clinton has always been a moral coward. He has always contended for the American military. He has always had a questionable security background. Since taking office, he has ignored defense issues, except as serves the destructive goals of his extremist supporters. His behavior with Paula Jones and Kathleen Willey was bizarre and deranged—try keeping a straight face while watching mandated Navy sexual harassment ads, knowing full well that a president’s own conduct violates historic service rules to the point of absurdity.

I think it was almost possible to laugh off Mr. Clinton’s hedonistic, “college protester” values. But now that we have clear evidence that he perjured himself and others to cover the same thing, Bill Clinton is no longer funny. He is dangerous. William J. Clinton, perhaps the most selfish man ever to disgrace our presidency, will not resign. I therefore risk my commission, as our generals will not, to urge this of Congress: Remove this stain from our White House. Banish him from further office. For God’s sake, do your duty.

Mr. HOLSHOF. Mr. Speaker, many commenters have likened this debate we are having today to the deliberations of a sentencing jury in a death penalty case. Indeed, the political life of a sitting President is hanging in the balance. I certainly understand the magnitude and seriousness of the matter no less seriously than those many criminal cases in which I sought the death penalty as a prosecutor.

If the President in his private conduct simply committed adultery, then that matter is best resolved by his family. On the other hand, the President of the United States committed perjury or other illegal acts then that matter is necessarily reserved to this Congress.
The private failings of a public man deserve neither debate nor reprimand by this body. However, public misconduct committed by that same official deserves punishment of the fullest measure.

Based upon my solemn review of the evidence and testimony, I am firmly convinced beyond a doubt that William Jefferson Clinton employed every conceivable means available—including perjury and obstruction—to defeat the legal rights of a citizen who claimed she had been wronged and sought redress from our justice system.

However, the President's private indignities become indignities against the Constitution by which we are governed? The facts are these:

In May 1994, Paula Corbin Jones filed a federal civil rights lawsuit against William Jefferson Clinton in the United States District Court in Arkansas. The legal action arose out of an incident alleged to have occurred while Ms. Jones was a state employee.

In his own defense, the President claimed that any such lawsuit must be deferred until his term expired. The parties litigated this question before the highest court of the land. The United States Supreme Court unanimously decided that Ms. Jones was entitled to due process and equal protection of the law no matter who the defendant in her sexual harassment suit.

The Court rightly determined that no man is above the law. No single individual citizen can determine the merits of another's case, save those clothed with the constitutional power of judicial discretion.

In that vein, a federal district judge repeatedly rejected the President's objections to inquiries regarding his relationships with women in the workplace. The court, relying on judicial precedent in sexual harassment cases, deemed those questions relevant and crucial to Ms. Jones' case.

The President under penalty of perjury was required to give truthful testimony during all court proceedings. He failed. He bore false witness under oath. He conspired with others to conceal evidence. He taped with witnesses the encouragement of the adoption of his untruthful version of events.

Ms. Jones' rights to due process were violated. That result is bad enough in itself, but I believe it reaches constitutional proportions when the denial of civil rights is directed by the President of the United States.

What we say here will be but paragraphs or footnotes in the pages of books of history written by those yet to come. What we do here will be indelibly imprinted on America's spirit. Let not this House grant a pardon for this President's criminal offenses.

Let not this history look back at this debate and declare there on that date, America surrendered the rule of law.

There can be no presidential privilege to lie under oath.

Regrettably, my solemn oath of office, my sacred honor, requires from me a vote ofaye on the resolution.

Mr. LAMPSON. Mr. Speaker, this morning I began writing a letter to my daughters and my future grandchildren and great-grandchildren to describe my feelings on this sad, yet historic day.

I wrote my daughters that I have listened to my colleagues talk about truth, wrongdoing, punishment, and respect. And I want to say to my colleagues that no one denies that the truth matters. No one denies there was wrongdoing, and no one denies that the American people deserve the respect of this great House of Representatives.

And so I ask, do not deny an alternative to impeachment.

I continue to be overwhelmed by the fact that this Congress and, as a result, the American people, are being denied the right to vote on a disciplinary action that would unify our country at this critical time—this action is censure.

The American people support censure. Censure, is not only constitutional, it is fair and right for our country.

So, to my colleagues in the majority, I implore you in the interest of fairness to take the step that will stop this downward spiral of bitterness and rancor that currently controls Capitol Hill. As our country continues to polarize, I pray that we, as a Congress, have not lost our ability to seek common ground. For if we have, it will affect our ability to solve problems for decades to come.

Mr. Speaker, you have the power to unite the majority of this country by allowing a vote on censure. I challenge you to seize this opportunity to bring our country back from potentially devastating consequences.

In that letter, I'd like to tell my children, so that they can tell their children, that this body came to it's senses and put aside partisanship in favor of statesmanship. Let the 105th Congress be remembered for allowing the will of the American people to be heard through a vote on censure.

It is the only fair thing to do.

Mr. KLUG. Mr. Speaker, this is the last vote of my career. My first vote was just as personally troubling.

Just days after being sworn in, I voted to authorize the use of force in Operation Desert Storm.

In a bizarre twist for me, today we'll vote on impeachment while U.S. troops are again at war in Iraq.

Today the loop closes.

In part because of American reaction to the fighting in the gulf, I have decided to support the impeachment of Bill Clinton.

Let me elaborate.

First, I am convinced the President lied to a federal grand jury.

The President's defenders say his lies in the Paula Jones case were an understandable reaction. He panicked when confronted with a series of questions that threatened to expose his relationship with Monica Lewinsky.

But that does not explain why he lied seven months later in front of a federal grand jury.

No surprise questions here. His attorneys were with him more than a half year to consider his answers. And he knew committing perjury in this setting could lead to impeachment.

I have struggled for weeks with my feelings toward Bill Clinton versus my concerns about the future of the Presidency itself.

What impact will this vote have twenty years from now?

I worry we're about to trigger a never-ending round of impeachment investigations. A decade ago the independent counsel statute seemed to make sense.

Today every cabinet member seems to be getting around impeachment investigations. A decade later in front of a federal grand jury.

Mr. Speaker, you have the power to unite the country. Perjury is a particularly dangerous crime. Federal sentencing guidelines demonstrate that defendants convicted of perjury face jail time similar to those convicted of bribery.

Perjury undermines the rule of law. And in this case, perjury has also undermined the President's moral authority.

Most Americans deservedly questioned the timing of the attack on Iraq. From airport terminals in Madison to Washington restaurants, everywhere I've been people have wondered out loud about why this week for the attack.

Why hours before the impeachment vote?

Americans instinctively rally around the President when men and women are in combat.

Because of the President's conduct in this case, our national impulse is now cynicism and skepticism.

Now I think the President's hand was forced by Suddam Hussein.

But if an American soldier was killed today, don't you think his family would always wonder why? Wonder why this week?

And the skepticism is not only heard in America but among our allies. And among our enemies in the world.

Perjury has consequences tonight. In the President's case everywhere around the world. Impeachment is the painful, but correct choice.

Mr. DAVIS of Florida. Mr. Speaker, first, I would add my voice to those of other Members who have expressed how deeply disappointed and saddened they are with the President's reprehensible conduct. He has disgraced himself and the office of the Presidency. Not only was his personal misconduct immoral, but I further believe his actions to cover up that personal behavior both publicly and in legal proceedings were wrong, significantly worsened the situation, and must be punished.

I have no doubt that the President was deceitful, misleading, and in fact crossed the line between legal hairsplitting and lying.

The question we face today is whether the President's wrongdoings warrant the ultimate constitutional remedy of impeachment and removal from office.

Our founding fathers were clear that impeachment should not be used as a form of punishment. As summarized by the 1974 Staff Report for the Committee on the Judiciary, "The purpose of impeachment is not personal punishment. Its function is primarily to maintain constitutional government."

Ultimatly at stake are the collective rights of the public who elected this President, not the personal right of William Jefferson Clinton to continue to serve as President. For that reason, the removal of a sitting President from office should be reserved only for conduct so egregious as to threaten our system of government.

Referring again to the report of the 1974 Committee, impeachment is warranted only to address misconduct which is "seriously incompatible with either the Constitutional form and principles of our government or the proper performance of the Constitutional duties of the
President used the power of the presidency to engage in his misconduct and I do not believe any of his actions threatened the nation.

While I do not agree with those who claim private actions can never warrant impeachment, I do believe that private misconduct must also rise to a level of severity which undermines the individual’s ability to further discharge his or her duties as President of the United States. Even though I have concluded that the President has lied and deceived many, with respect to his extramarital affair, I believe that as an individual Member of Congress, I will still be able to work with this President on the issues of importance to my constituents. I believe, as do most Americans, that the President still has the ability to govern. Since his conduct did not threaten the nation or undermine his ability to carry out his Presidential duties, I have decided to oppose impeachment.

If impeachment is to be viewed as a way to save the country from the abuse or violation of the public trust, we must weigh the risks of action against the consequences of both for our country. The principal argument of those in favor of impeachment is that the President’s actions, if left unaddressed, would undermine our rule of law. I agree that no individual, including the President of the United States, is above the law. Did the President lie? Yes, I believe he did. Did the President commit criminal perjury? That is a legal conclusion to be decided by a criminal court—a court which ultimately may find perjury in this case. However, impeachment should not be used in this instance simply to punish perjury. Instead, I believe holding the President accountable for his actions in a criminal court of law is the best way we can uphold the rule of law in our country. The President, upon leaving office, can and should be subject to criminal prosecution.

Just as important to me are the consequences, for our country and future generations, of impeaching the President. I am gravely concerned that significantly lowering the standard for impeachment will lead to an increase in the frequency of impeachments, or at the very least the threat of impeachments, in the future. Our founding fathers, whose wisdom becomes clearer with each passing day, designed a means for removing the President which would be used in rare and extreme instances. We were prepared to impeach the President for his efforts in this specific instance to hide this tawdry affair. I believe impeachment will become simply another weapon in the arsenal of partisan politics. This undoubtedly would have the effect of weakening the separation of powers that has made our national government so successful and enduring.

From the onset, the trauma of this scandal has touched everyone involved. The President bringing immense disgrace upon his office, has justifiably suffered both public and private humiliation. Congress has been forced to spend months debating these allegations rather than addressing the challenges facing our country and the American public has been bombarded with the lewd and salacious details of the President’s misconduct in newspapers, television broadcasts, and the Internet. The impeachment proceedings have been extremely partisan and have, in large part, only worsened the underlying harm to the country Mr. Towns and I believe in the President’s misconduct. That is why I join with those, including esteemed statesmen such as former President Ford and Senate Majority Leader Dole, who believe, rather than removing the President from office, a formal rebuke in a sharply worded censure resolution would be the best solution for this Constitutional dilemma.

While I long ago gave up hope that something good could come out of this process, I believe a censure resolution is the most appropriate conclusion for the Congress and the country. The President will live forever with the political consequences of his actions and should face the criminal consequences upon leaving office. My decision to support censure in an effort to punish the President without further punishing the presidency or the country. Mr. Towns suggests on both sides of the aisle, today I rise in opposition to the Articles of Impeachment that have been forwarded to the House of Representatives by the Judiciary Committee. My opposition to these articles of impeachment do not constitute a minority view. My opposition reflects the views of the 81 interrogatories, the constituents in the 10th Congressional District, the overwhelming sentiment of the people in New York City, the overwhelming sentiment of the people in New York State and the overwhelming view of the American people. It represents the view of 400 of the leading historians and 430 of the leading constitutional experts in this nation.

My objections to the Articles of Impeachment are based on the partisan misinterpretation of the facts and the law. None of the articles of impeachment contain facts that remotely constitute a basis for criminal conduct. Article I alleges that the President committed perjury before the grand jury by providing “perjurious, false and misleading testimony.” Yet the Judiciary Committee failed to outline the perjurious testimony the President allegedly made. Article II alleges that the President provided “perjurious, false and misleading testimony” in the Paula Jones lawsuit. Yet the committee failed to acknowledge that this lawsuit was subsequently dismissed by a federal judge for having no legal merit whatsoever. Did the framers of the Constitution intend that we impeach a sitting President for giving misleading testimony in a meritless lawsuit? Article III alleges that the President obstructed justice by persuading Ms. Lewinsky, Vernon Jordan, and Betty Currie to carry out various illegal acts on his behalf. The committee failed to acknowledge that Ms. Lewinsky, Vernon Jordan, and Betty Currie all testified that the President never encouraged them to perform anything good could come out of this process, I believe a censure resolution is the most appropriate conclusion for the Congress and the country. The President will live forever with the political consequences of his actions and should face the criminal consequences upon leaving office. My decision to support censure in an effort to punish the President without further punishing the presidency or the country. Mr. Towns suggests on both sides of the aisle, today I rise in opposition to the Articles of Impeachment that have been forwarded to the House of Representatives by the Judiciary Committee. My opposition to these articles of impeachment do not constitute a minority view. My opposition reflects the views of the 81 interrogatories, the constituents in the 10th Congressional District, the overwhelming sentiment of the people in New York City, the overwhelming sentiment of the people in New York State and the overwhelming view of the American people. It represents the view of 400 of the leading historians and 430 of the leading constitutional experts in this nation.

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It is transparently clear that these articles of impeachment do not involve private criminal conduct. It is also clear that they do not constitute an attempt to subvert the constitution or to overthrow the system of government. That is why 100 percent of the Democrats on the Judiciary Committee, 61 percent of the Republican con- stituents, 61 percent of the American people, and the vast preponderance of the historians and constitutional experts in this nation oppose impeachment. If there is one thing that the impeachment debate reflects, it is the peril to the divided government of the prospect of electing a Democratic president and a Republican Congress has led to legislative paralysis and the weakening of the institution of the presidency. The Republicans on the Judiciary Committee are driving a runaway train that is heading this nation inexorably down a dark tunnel of impending national catastrophe. The American people will not easily forget this egregious abuse of power and will write their own Articles of Impeachment against the Republican majority in the next congressional elections in the year 2000.

Mr. FRELINGHUYSEN. Mr. Speaker, I have a low tolerance for people who don’t tell the truth, most especially elected officials who take an oath of office to uphold the Constitution, the law, witness testimony for the purposes of justice and abuse of power are serious charges. To my mind, Congress has followed the process given to us under the Constitution to consider and deliberate these charges against President Clinton. It has been a painful process. I have shared with many constituents in New Jersey’s 11th District, my personal resentment that Bill Clin- ton’s actions have forced the Congress, and our entire country, to go through this ordeal for almost a year.

Before us is a most difficult decision for each and every one of the 435 Members who has the honor to serve in this House. For all the editorial opinions and pundits, for all the legal opinions and political pressure, we now have to cast perhaps the toughest and most important vote we will ever be asked to cast. Allow me to share an excerpt of a letter I wrote to my teenage daughter in October:

Now that Congress will begin its own deliberations on the charges against the President, I have to put aside my personal views and evaluate the report and all documents in a fair manner. I do not have the luxury of being on the sidelines as these matters are discussed. Public opinion polls and mail are helpful, but a Member of Congress must decide for himself or herself without merely putting a finger up to wind.
Mr. Speaker, we have before us the evidence as presented by the Independent Counsel, the legal defense presented by the President, and the full proceedings and recommendations of the House Judiciary Committee, as well as the thoughts of so many constituents that their views should be reflected in the votes we cast.

Having reviewed so much of the evidence, I believe it is now clear that the President violated both his oath of office and the oath he took to tell the truth. In doing so, Bill Clinton not only committed perjury, he violated the public's trust.

I will, therefore, vote in favor of impeachment.

While I know that some will disagree, and strongly so, with my decision, I have reached this decision because I believe this is how the Constitution is to be read and the people are to be served. When this sad chapter in our history is closed, I want historians to find that I did as I always have done, and that is to say the truth.

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent editorial which appeared in the Omaha World-Herald, on December 13, 1998.

[From the Omaha World-Herald, Dec. 13, 1998]

ON THE IMPEACHMENT VOTE

President William J. Jefferson Clinton stood Friday in the Rose Garden of the White House, which is his residence, to be sure, but which is also the symbol of American self-government and of all that is good about this great nation. Finally dropping all his past poses, Clinton said he was profoundly sorry for all he had done wrong “in words and deeds.”

His remarks sounded sincere. They didn’t appear to have been prepared by word-parsing lawyers. It was easy to feel sorry for the president. He was an almost pitiful figure, at age 52 a victim of his uncontrollable libido and a team of attorneys who appeared to coach him how to thwart the judicial system without crossing the line into perjury.

Yet the president still could not bring himself to say the words the Republicans on the House Judiciary Committee longed to hear—“I lied.” He said he “misspoke.” He talked of his “wrongful conduct.”

In a moment of remarkable irony, the president of the United States—without acknowledging the source and maybe not being aware of the source—even quoted from Edward Fitzgerald’s translation of “The Rubaiyat of Omar Khayyam.” Omar, a Persian poet of the 12th century, was concentrated on the idea that sensual pleasures might be the sole aim of living.

This long national nightmare began on Thanksgiving 1995 when Clinton, then 49 years of age, and Monica Lewinsky, a just barely 22-year-old intern, had sex in the Oval Office on the first day they had ever spoken to one another. She came to see him many more times. They had at least nine more sexual encounters.

They engaged in a certain sex act that the president and his lawyers continue to insist is not sex. They had phone sex 37 times. Monica gave Clinton 40. Yet Clinton, under oath, could barely remember one or two.

America didn’t find out about that Thanksgiving encounter until January of this year, when Newsweek and The Washington Post got wind of the president’s on-and-off, two-year extramarital affair and his use of illegal efforts to hide it from his wife, his daughter, Paula Jones’ lawyers and the American people.

Now, after a week of historic drama to which American seemed to be paying less than full attention, the House of Representatives, for the second time in history, will vote on articles of impeachment. The vote will come late this week unless Democrats can convince enough Republicans to vote for impeachment that would signal to this naughty President that what he did was “reprehensible,” the Democrats’ inadequate word for the shame Clinton has brought to the land. The Democratic Party censure resolution does not mention lying under oath or tampering with witnesses.

Americans should not be angry at the Republican Party if the House votes on impeachment. Clinton, not the Republican Party, is the one who committed the transgression. The nation could do in response to the President’s actions. It will be the fault of Bill Clinton, not the Republican Party, if the House votes on articles of impeachment.

Rebuke and censure if the American people are polled that it is obvious the President violated his oath of office. History has all but forgotten the nation’s two impeachment censure resolutions approved by Congress.

Dictators and tyrants hold themselves above the law. Presidents, for the most part, do not. Americans fought a revolution to re-hip the divine right of the monarchy to be a law unto itself. Now the defenders of Clinton argue that he shouldn’t be bound by laws that ordinary people must obey. To give the presidency such a privilege would betray the revolution. It would invest the presidency with a kingly status that the Founders explicitly attempted to prevent.

A failure to impeach would send to the armed forces the message that the commander in chief can commit the standards of honor and personal integrity that are drilled into all military people.

A failure to impeach would undermine the concept of sexual relations as set by the workplace. Managers who were fired for trying to seduce subordinates would challenge the laws. Clinton’s legalistic definition of sexual relations would be flung around as justification for sexual contact short of intercourse. More people would accept a right to obfuscate to prevent personal embarrassment or inconvenience.

Rep. Steve Chabot, R-Ohio, said, as he voted with much sadness for impeachment, he felt “more emotion than I’ve ever felt as a member of Congress.” We understand. The inclination to forgive is strong in the American people. They know that, like their president, many people have flaws.

This editorial page, too, would love to be able to forgive the president. But our love for this great country is even stronger than the impulse to forgive the president’s misbehavior.

Mr. Clinton has hurt the country by his reckless behavior and his lying under oath. Impeachment is the only constitutional way to reaffirm the values, including the rule of law, for which this great country stands. Our fingers tremble as they pause over the key- board and our heart is heavy as we say: The House of Representatives should vote yes on Impeachment Articles I, II, and IV.

Mr. Speaker, this Member would ask his colleagues to consider carefully the following from the December 18, 1996, edition of the Norfolk Daily News, entitled “Republicans are not culprits here.”

From the Norfolk Daily News, Dec. 16, 1996

REPUBLICANS ARE NOT CULPRITS HERE—ONLY ONE MAN IS TO BLAME FOR TURMOIL FACING THE NATION—BILL CLINTON

Whether some members of the Democratic Party realize how ridiculous and tame they are sounding when they spout dire warnings about the upcoming House of Representatives vote on impeaching President Bill Clinton.

If the president is impeached, they cry, House Republicans will be invalidating the law. They are ignoring the will of the people and making a mockery of the democratic process.
Those arguments, however, do not hold water. Supporters of the president would have much more credibility if they would stick to arguing that the offenses committed by the President were not impeachable. Instead, they keep throwing up these weak, peripheral claims.

The Democratic supporters of President Clinton have expressed the intense desire that a majority of U.S. citizens, in two separate votes, elected the former Arkansas governor to be president and then re-elected him. Does that mean that Bill Clinton—or any president for that matter—is entitled to serve his full term in office, regardless of his deeds or conduct while there? Of course not. History is replete with examples where lawmakers made decisions they thought were correct at the time they were making them only to be proven wrong later. The full range of President Clinton’s misconduct and what we believe to be impeachable offenses were not known to voters when they first elected and then re-elected him.

Only now are voters realizing the kind of man they have leading them.

Some Clinton supporters are quick to point out, however, that even though a majority of Americans believe President Clinton lied under oath and engaged in an abuse of power, they don’t think he should be impeached as a result.

To that we say—with all due respect—so what? In our opinion, it’s an irrelevant point.

That’s because what the House of Representatives is dealing with here is a president who has allegedly committed impeachable acts. Public opinion doesn’t hold sway in a court of law, and it shouldn’t be a factor here, either.

Juries, whether in civil or criminal cases, have to make decisions based on the facts presented before them. The laws are presented to the jury. They can’t be affected by protesters outside the courtroom’s doors, media reports or anything else. The same is true for members of the House.

They must make the decision on whether to impeach the president based on the facts—as best they can discern them—concerning President Clinton’s conduct and the provisions in the U.S. Constitution that govern impeachment.

We, along with many others, have offered the opinion in the past that President Clinton should resign from office. His affair with Monica Lewinsky, which led to the conduct of that investigation, trampled on the aura of the presidency. They can’t be affected by protesters outside the courtroom’s doors, media reports or anything else.

Mr. BALLENTER, Mr. Speaker, I am sure I am not alone today in wishing I was somewhere else, engaged in other pursuits. I take no pleasure in coming to the well today to outline my conclusions relating to the grave matter before us—the Impeachment of William Jefferson Clinton, President of the United States, for high crimes and misdemeanors.

Specifically, the House Judiciary Committee has recommended to the House four articles of impeachment: two counts of perjury; one count of obstruction of justice; and one count of abuse of power.

After careful review of the Report of the Judiciary Committee on this matter, I have concluded that impeachment is warranted on all counts. Today or tomorrow, whenever the votes are taken, I will vote “yes” on all four counts.

Article I—On August 17, 1998, the President swore to tell the truth, the whole truth and nothing but the truth before a federal grand jury of the United States. It is absolutely clear to me that contrary to that oath, President Clinton willfully gave perjurious, false and misleading testimony to that grand jury about the nature and details of his relationship with Monica Lewinsky.
Mr. MILLER of Florida. Mr. Speaker, for the second time in my adult life, I have watched “a long national nightmare” unfold. I am anxious for this to be over as I was for the Watergate saga to end. But that does not absolve me of my responsibility to do what I think is right. Given the importance of these issues and the thousands of letters, phone calls and e-mails I have received, I believe my constituents deserve an explanation of why I cast my vote for the impeachment of William Jefferson Clinton.

Fifty years from now, what lesson do we want our school children to take from this tragic episode? I want them to learn the importance of always telling the truth. I want them to understand the consequences of lying. I don’t want them to learn that you can yourself out of trouble by being “clever.”

Many have said that impeachment is not about punishing wrongdoing, but about protecting our system of constitutional government. I agree. Punishment is in the hands of President Clinton’s family and God. But I believe the facts clearly show that William Jefferson Clinton deliberately sought to obstruct the judicial process in a civil rights case and compiled deliberate and pervasive perjury before a federal grand jury and to the Congress. When the President of the United States treats our system of justice with such contempt and selfishness, he must be impeached.

Opponents of impeachment argue that the crimes were minor, the facts are fuzzy and the definition of words and acts are subject to interpretation. That is true—if and only if—we are forced to ignore logic, common sense and context. Start with his deposition in the federal civil rights case, Jones versus Clinton. The President was asked if he had ever been alone with Ms. Monica Lewinsky. He said he wasn’t paying attention, etc. are all lies as well. These excuses were made up after the fact for the specific purpose of denying that he had ever given Ms. Lewinsky any gifts. He was asked if he had ever given her gifts. He said he didn’t remember—despite giving and receiving over 40 gifts. He was asked if he had ever called her. He said maybe a few times, but the facts show over 55 calls, which included intimate discussions. And when he was asked if Ms. Lewinsky’s affidavit in which she denied any sexual relationship of any kind was true, the President responded, “that is absolutely true.” Logic and common sense tell us that he wasn’t telling the truth, as he has claimed. He was deliberately, with malice and forethought, lying in a federal civil rights case.

Now, put that deliberate lie in the context of his testimony before the Grand Jury. In that August 17th performance, the President repeatedly testified that his earlier testimony had been truthful, if not particularly helpful. That is a lie—and it is an obvious and deliberate lie. Why? Because this conduct rises to the level of “high crimes and misdemeanors.”

I believe those are the facts and very few of my colleagues have even attempted to dispute the President’s assertion. Whether this conduct only begins to approach the level necessary to impeach the President, I find it helpful to look back at a report of the Independent Counsel’s allegations. Third, the Committee Republicans drafted their impeachment articles before the President’s lawyers had even completed presenting his defense. American people. His actions have rightfully been denounced across the country. The President has embarrassed him and his family, as well as our entire Nation. He has severely damaged the institution of the Presidency, particularly in its role of providing moral leadership for the Nation.

Not all wrongful conduct by a President meets the standard for impeachment in the Constitution, however. The House is assigned the duty of determining whether a President should be impeached, and the Senate must then conduct a trial to determine whether the President will be convicted of the charges contained in the Articles of Impeachment.

In considering the applicable constitutional standards for the House vote on impeachment, I find it helpful to look back at a report produced by the Judiciary Committee in 1974 as the impeachment inquiry of President Nixon was about to begin. That report found that:

Each of the thirteen American impeachments involved charges of misconduct, incompatible with the official position of the officeholder. This conduct falls into three broad categories: (1) exceeding the constitutional standards of the office in derogation of the powers of another branch of government; (2) behaving in a manner...
LYING UNDER OATH IN A JUDICIAL PROCEEDING

Violating a criminal statute in itself may well be a sufficient basis for impeachment, and of course, lying under oath in a judicial proceeding is a crime. A President should not be excused because the consequences of his actions just because he is President. President Washington warned in his Farewell Address in 1796 that "the very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government." The rule of law is the basis for the fundamental rights of each American and requires that no one, including the President, be above the law.

But in addition, I believe that a President who lies in a judicial proceeding is subject to impeachment because such conduct undermines our legal system, violates the President's oath and his constitutional responsibilities, and seriously undermines public confidence in a President's ability to perform his official functions. There are three reasons for this.

First, lying under oath in a judicial proceeding undermines the legal system of the United States because it attacks its most fundamental underpinning—the requirement of every individual to tell the truth. If the President cannot be required to tell the truth about the consequences of his actions just because he is President, President Washington warned in his Farewell Address in 1796 that "the very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government." The rule of law is the basis for the fundamental rights of each American and requires that no one, including the President, be above the law.

Second, I believe that lying under oath in a judicial proceeding violates the President's oath "to faithfully execute the Office of President of the United States." It also violates his duty "to take Care that the Laws be faithfully executed." Violating his oath of office and his constitutional duties certainly meets the constitutional standard of impeachment.

Third, by lying under oath in a judicial proceeding, the President has violated the confidence and trust of the American people. Public trust and confidence are essential elements of the presidency. President Franklin Roosevelt said in one of his " Fireside Chats" on April 14, 1938, "I never forget that I live in a house owned by all the American people and that I have the trust and confidence of the American people." Thus, in comparing President Clinton's conduct with the standards of impeachment as articulated by the Framers, as well as by the Judiciary Committee, the President's conduct clearly meets or exceeds that standard required for impeachment.

In addition to lying under oath, the President has used or attempted to use the power and influence of his office to shield himself from the political and legal consequences of his actions. He attempted to falsely shape the testimony of witnesses and to prevent evidence from being uncovered, he "employ[ed] the power of the office for an improper purpose or for personal gain." Thus, in comparing President Clinton's conduct with the standards of impeachment as articulated by the Framers, as well as by the Judiciary Committee, the President's conduct clearly meets or exceeds that standard required for impeachment.

But even if the constitutional standard for impeachment is met, some argue that the House should exercise its discretion and look for some other remedy so as to not put the country through a trial in the Senate. A variety of arguments are used about how it is in the best interests of the nation not to subject the country and its institutions of government to a Senate trial.

For example, some voice concern about a trial's effects on the economy. But as one writer has stated:

"The first responsibility of the [president] is not to achieve growth of 2.5 percent but to ensure the legitimacy of the system itself. In other words, when all is fundamentally clear, he has clearly not only failed; he has deliberately broken his oath of office. Clinton's attitude toward the law has not been how he can best uphold it but how he can undermine it. His attitude toward democratic political discourse has not been how he can address the issues honestly but how he can best disseminate,Obscure, and lie. At some point, such a person does not merely demean himself; he demeans and threatens the entire system of government he is elected to defend." (Andrew Sullivan, The New Republic, September 14, 1998.)

In fact, it is this pattern of unlawful and reckless behavior, in which the nation's interests are secondary to this President's own selfish interests and desires, which establishes his breach of the public trust and mandates his removal.

A newspaper editorial earlier this year states the heart of the matter:

"He should resign because he has resolutely failed to continue his fundamental test of any president: to put his nation's interests first. (USA Today, September 14, 1998.)"

To me, Mr. Speaker, that is the essential truth from which we cannot escape. This President has violated the law; he has betrayed his oath and constitutional duty; he has undermined the legal system and the rule of law—all to promote his own selfish interests and desires, which he consistently puts ahead of the country's best interests.

I believe such matters cannot be decided by polls. I also believe that the nation is strong and will remain strong so long as we try to stay true to the values which built this nation. If we were to abandon those values because of unpleasant facts or an uncomfortable process, we would break the thread which binds us to the strength of the past.

We have to try to do the right thing on the question before us—wherever that may lead—to affirm the principles and values that make America unique in the history of the world and that give us our only chance to remain the light of the world into the 21st century.

We affirm the principles of our legal system and the values of truth, equal justice, and the rule of law by voting to impeach William Jef-

Mr. WOLF. Mr. Speaker, for months I have been troubled by the matter of the President. I wish more than anything that we were not here at this moment in our Nation's history poised to vote on the articles of impeachment as reported by the House Judiciary Committee. I regret that this vote was not averted both for the sake of the Office of the President and the American people. But this matter has moved through its constitutionally mandated process and we must vote according to our conscience and to our sworn duty as representatives in the Congress.

I am aware of the public opinion polls and the snapshots in time those surveys report which show people are generally content and would rather not upset the apple cart. Had political opinion polls been the guiding principle on other important matters before our nation, such as women's suffrage and desegregation, how long would it have taken for elected officials to have done the right thing? We cannot be led by the current polling data. There comes a time when leaders must lead, no matter what the political climate.

I am aware the Republican majority party could pay a price for doing what I believe is the right thing and protecting the rule of law.
A vote for impeachment in the House to send this matter to the Senate for final resolution, I believe, is the right thing for this country.

On February 5, 1998, I made the following statement regarding the President:

**A MATTER OF TRUTH**

(Special order statement by Representative Frank R. Wolf of Virginia, February 5, 1998)

Mr. WOLF. Mr. Speaker, I want to take a moment to speak on what has been happening in this country lately. It’s not about impeachment, it’s about removing the President. Or prosecution of the President. It’s what’s been on my mind and on my conscience.

For all the clumor in the press and on radio and TV about allegations swirling around the President, there has been a blanket of silence on the part of too many who ought to provide commentary on the moral tone of this country.

And I am not sure why. Perhaps there is a “don’t rock the boat” feeling. Times are good and let’s just sweep this under the rug and not focus on the moral aspect of this. Perhaps the talk of impeachment and prosecution got out there too early and pre-empted us from having the chance to reflect and comment on the moral issue and its impact on leadership of the country.

Their reluctance was not evident in earlier cases. As an example, when the young woman who flew Air Force One and admitted to being pregnant brought a tidal wave of comment from every corner of our society.

In America, a person is innocent until proven guilty. But we are not talking about a court of law. We are talking about right and wrong. We are talking about the President of the United States and what he or she has done to cut down the cherry tree—“I can’t tell a lie.”

When any President takes office there is an implied promise that he or she will level with the people, that he or she will be honest with them. A solemn bond of trust has always existed between the President and the people. And it must always be this way.

And I am not sure why. rf course, I believe that private behavior has no public consequences, if we believe that our nation’s leaders do not have to be good and moral and righteous men and women. But what about our children? Have we abandoned the very heritage of this nation?

In America, a person is innocent until proven guilty. But we are not talking about a court of law. We are talking about right and wrong. We are talking about the President of the United States and what he or she has done to cut down the cherry tree—“I can’t tell a lie.”

When any President takes office there is an implied promise that he or she will level with the people, that he or she will be honest with them. A solemn bond of trust has always existed between the President and the people. And it must always be this way.

Every President has an obligation to tell the whole truth. If Richard Nixon had told the whole truth and asked the people for forgiveness, I believe he would have been forgiven.

Today there is a pall of doubt over the presidency. Not being forthcoming with whatever the truth may be leaves doubt about the bond of trust between the President and the people. And this question of fitness to serve in high office.

The only way America can put this behind us once and for all is that when the President speaks, he is telling the truth. I hope this President can give this assurance. If President Clinton tells the American people the whole story and seeks forgiveness, I believe he will be forgiven.

All of us err and make mistakes, including me. No one is perfect. But for forgiveness, there must be an admission of fault and confession of guilt. Then we can move on.

Thank you.

On August 17, President Clinton belatedly addressed the nation admitting to an “improper relationship.” On September 9, the Office of Independent Counsel (OIC) referred to the House of Representatives a report outlining 11 charges of perjury, obstruction of justice, witness tampering and abuse of power in what the OIC called “substantial and credible evidence” that President Clinton committed acts that may constitute grounds for an impeachment.

On September 15, after review and consideration of the OIC report, I made the following statement calling on President Clinton to resign for the sake of his family and the Nation.

**ON THE MATTER OF THE PRESIDENT**

(Statement by Representative Frank R. Wolf of Virginia, September 15, 1998)

It was seven months ago when I stood on the House floor and stated that if President Clinton would tell the American people the whole truth and ask for their forgiveness, then I believed that he would and should be forgiven.

Unfortunately, in the ensuing months, the President instead chose a campaign of deception, cover-up, and counterattacks in a relentless push for self-preservation.

He has let the American people down in a grievous manner. He has abused the power of the Office of the Presidency. I believe he has lost the ability to be an effective and credible leader of our country.

When he had the chance early on, he failed to accept responsibility for his actions. He has only recently acknowledged his misconduct and his misleading of the American people and he has now apologized, but after much delay. When was it in Luke 12:48 when Jesus said, “Should we forgive him? I believe yes, on a personal level, as a human being, we understand his personal embarrassment and should accept his apologies and forgive him. We all make mistakes, none of us is perfect.

As disappointing as the President’s behavior in the Oval Office has been, however, this is not uncommon for leaders. It is about the bond of honor and trust between the President and the people. The President has betrayed that trust. I believe the President has forfeited credibility and integrity and have been irreparably damaged.

President Clinton has said that this is a private matter to be dealt with by his family. But he himself brought it beyond that at the moment he lied in a sworn deposition and again before the court.

There must be accountability for his violation of the solemn trust the American people have placed in him. Actions have consequences. If you have a personal indiscretion, I urge you to take responsibility for the truth. If you have done this in high office in this land has damaged his credibility to lead. The President’s word should be his bond, but we now face an unprecedented crisis. We need to stop and ask questions, how many more lives will be shattered? The impeachment process will be long and drawn out, continuing for months, possibly not concluding until early next summer. My fear is that it will divide the country. It also will divert the attention of the nation away from important domestic and foreign matters.

Our Leadership—the White House and the Congress—will be tied up, debilitating a time of serious problems in the world. From a world point of view, we face dangerous times. Russia, Asia and Latin America are in economic crisis. India and Pakistan are testing nuclear weapons. The threat of terrorism is increasing. There is instability with Saddam Hussein, in Bosnia, North Korea, and elsewhere. We need to pay attention to keeping our own economy strong.

I wish that this whole matter had not taken place. But it did, by the President’s own admission. This resulted in deceiving the American people, the President’s family, his Cabinet and the White House staff. Now the investigation has brought charges by the Office of Independent Counsel of perjury, obstruction of justice, constitutional authority which have begun the congressional inquiry process for impeachment. And, the OIC’s work is not over and could continue for a long time. As this investigation goes on, the country is basically stalled, with the President’s attention diverted, and that’s dangerous not only for our country, but for the world.

Therefore, painful though it is, I believe the time has come for the President to resign. It’s time he put aside his own interests and do what’s best for America and its interests. He and his administration have had successes and accomplishments. But in the time ahead, this President will be handicapped to a matter of his own making, a matter from which the only escape for him and our country is his resignation. How do we as a people personally forgive him, we cannot undo or deny the irreparable damage that his conduct has brought upon his ability to serve as President.

Resignation is the honorable thing to do. I believe that the President’s resignation can be an act of nobility on his part. I further believe that this President will have the opportunity to make significant contributions to our country in the future as a private citizen. But now, I urge the President to do the right thing for his family and his country and resign the Office of the Presidency and bring this saga to an end.

Today, I am convinced the President lied under oath and obstructed justice. On June
30. 1994, upon signing into law the current Independent Counsel statute, President Clinton said, "It ensures that no matter what party controls the Congress or the executive branch, an independent, nonpartisan process will be in place to guarantee the integrity of public officials and ensure that no one is above the law."

President Clinton is the highest law enforcement official in our nation. He must be held to a higher standard of integrity, not a lesser standard. We live in a society governed by the rule of law, not by man. I was one of only eight House Republican members to vote not to seat Representative Gingrich as Speaker for the 105th Congress until completion of the then pending ethics committee report. It was a difficult vote and it angered many in my own party. My vote then was a vote of conscience, as is my vote today.

President Clinton had it right in 1994: "...no one is above the law." President Clinton, the highest ranking law enforcement official in our Nation, has shown contempt for the law and his office since before he was elected. The evidence before this body is clear. It is about the integrity of the rule of law, it is about telling the truth, it is about our Nation’s basic judicial principles, our founding principles of democracy, and upholding the trust and respect of the Office of the President.

Mr. MILLER of California. Mr. Speaker, as a result of recent surgery and because of the potential health risks of air travel at this time in my recuperation, I am greatly disappointed that I am unable to attend the session of the House of Representatives today as we consider one of the most serious actions we can take under the Constitution: not simply the removal of the President from office, but overturning the decision of the American people in twice electing him to that office. I urge my colleagues to vote against impeachment, and I would so vote were I able to be present in the chamber today.

The partisan resolutions presented to the House by the Judiciary Committee are an affront to the American electorate and a repudiation of the Constitution. They trivialize the awesome act of impeachment. They mis-state both the law and the historical precedent. And they will inaugurate a season of recrimination, divisiveness and partisanship that will taint this House and this nation unnecessarily.

No one in this Chamber, or in this nation, disputes that the President was terribly wrong in his actions. No one disputes that he was far less than candid in his statements in the Jones deposition, before the Grand Jury, and particularly, to the American people. No one disputes that he was far less than candid in his statements in the Lewinsky scandal, providing false or misleading testimony in a resolved civil suit does not rise to the constitutional standard of "high crimes and misdemeanors." Nor does giving evasive answers to the Congress. We cannot simply for a censure resolution condemn such behavior. But Mr. Clinton’s action in no way threatens either the institutions of our government or the Constitution.

If we proceed in voting impeachment or misleading a Grand Jury about private behavior that has nothing to do with the exercise of presidential power, then this House must be prepared for the impeachment bar to be moved with impunity and recklessness in the future. Misrepresenting, or lying, or twisting the truth—none of these are acceptable behaviors by public officials, even when they involve private behaviors. But as we tragically know, deceptions are not unfamiliar in the corridors of the Capitol either. Let us exercise great caution in what we approve as a new standard for removal from office, because this House and this Congress could cause ugly and bitter institutions.

I urge the Republican leadership of this House to reconsider its unwise and partisan Rule that bars Members from having the opportunity to vote for a censure resolution in lieu of impeachment. The Republicans’ argument that censure is prohibited by the Constitution is absurd. The House can pass a Resolution, or a Joint Resolution with the Senate, expressing its view on any subject, as we do with great frequency on matters from the trivial to the deadly serious.

There is absolutely no reason under the Constitution or the House Rules why a strong censure resolution, as has been proposed, should not be subject to debate and consideration by the House, especially since it is very possible that a bipartisan majority prefers censure to impeachment, as do the people of the United States.

But the Republican leadership will not permit an open debate. They only want to allow debate on the inflammatory and legally dubious resolutions reported on a strictly partisan vote from the Judiciary Committee. And we know why. Because the extremist element in the Republican Part which has been trying for years to force a popular, elected president from office by alleging scandal after unproven scandal—from Vincent Foster’s alleged "murder" to Whitewater—is frustrated because those extremists have been unable to make any of the charges stick. In fact, Kenneth Starr’s report never even accuses the President of perjury, and yet that is the basis for the most serious of the allegations contained in the impeachment resolutions.

And so, even at this late hour, I call upon the Republican leadership to step back and let this House freely consider a variety of sanctions against the President for his reckless and unacceptable conduct. I urge you: do not cheapen the constitutional test for impeachment. Do not abuse the Constitution to overrule the will of the voters who have elected their President and continue to send an unmistakable message that they do not want their representatives, at the end of the year, in the last moments of a lame duck Congress, to take this historic and fearful action that will injure our Constitution and our democracy for years to come.

Mr. BROWN of California. Mr. Speaker, I rise today in opposition to House Resolution 611, Impeachment of William Jefferson Clinton, President of the United States.

This is the second time in my congressional career that I have the privilege in the position to ponder the removal from office of a duly elected president. After 1974, it was a decision I hoped never to be faced with again. Next to the death of a family member, one of the most grave duties Congress is charged with. Overturning a presidential election, the very foundation of our system of popular government, is not something that should be done on a partisan basis. Impeachment may be a political act, but it is one that leaves us at the core of the Court, with the depth of fairness and justice this body should possess, not single minded partisan determination.

Like most of my colleagues, I have openly expressed my condemnation of President Clinton’s inappropriate and immoral behavior. I have agreed that he should face punishment for his actions and I do believe that he should take responsibility for the disgrace he has caused himself and the turmoil he has caused this nation.

However, the question each member of Congress is faced with today is what level of punishment is appropriate. I agree with my Democratic colleagues on the Judiciary Committee that there is a vital and distinct difference between punishment and impeachment. Impeachment is intended for the most serious offenses against our constitutional system of government. It is not intended to be a punishment for personal misconduct not related to the presidential office.

The conduct alleged against President Clinton does not rise to the level of impeachment. It is not necessary to remove Clinton from office to protect our nation and I do not support lowering the high standard of impeachment. I am gravely disappointed that the Majority has denied this, the People’s House the opportunity for a straight vote on censure, the option that a majority of the very people we represent support. In blatantly disregarding the views of the American people, this body has illegitimized itself.

I plan to vote in the manner I believe is best for our country. I will vote against the impeachment resolutions. I will watch as our constitutional system undergoes its greatest test, and I will hope that at the very least, future Congresses will learn from what we do today.

Mr. WHITFIELD. Mr. Speaker, today the United States House of Representatives begins debate on Articles of Impeachment of President William Jefferson Clinton. This is the first time in over 130 years that the House of
Representatives has performed its solemn duty of determining whether a sitting President should be impeached.

Article II, Section 4 of our Constitution reads: "The President, Vice President and all civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery and other high crimes and misdemeanors."

The President has been charged with committing "high crimes and misdemeanors." Specifically, the President committed perjury before a federal grand jury; perjury in a Federal civil rights suit in which he was the defendant; obstruction of justice; and abuse of power.

The President's attorneys argue that he has not committed high crimes and misdemeanors. Legal scholars and English Parliamentary law make it perfectly clear that the phrase "high crimes and misdemeanors" includes not only crimes for which an indictment may be brought, but also grave political offenses, corruption, maladministration or neglect of duty involving moral turpitude, and arbitrary and oppressive conduct none of which need constitute a crime.

A majority of legal scholars agree that non-criminal misconduct may be impeachable. In fact, each impeachment case presented to the United States Senate before 1973 included articles charging offenses that are not criminally indictable.

In addition, to be impeachable, the misconduct must threaten grave harm to the country. President Clinton's alleged behavior constitutes an assault on the truth-finding mechanism of our judicial system. For example, perjury is a crime because our judicial system cannot function without the truth when testifying in judicial proceedings.

Articles of Impeachment I and II charge President Clinton with committing perjury. On August 17, 1998, President Clinton testified under oath before a Federal grand jury. He is charged with committing perjury in his answers to eight questions. On January 17, 1998, President Clinton testified under oath in his deposition in the Jones versus Clinton case. He is charged with committing perjury in his answers to 10 questions.

The President's lawyers and other supporters claim that the first two articles involve nothing more than the President's private sex life. Nothing could be further from the truth. There is clear and convincing evidence that the President lied under oath in the civil case filed against him by Paula Jones because he did not want to lose the case and be required to pay her monetary damages. There is clear and convincing evidence that the President committed perjury when testifying before the Federal grand jury because he did not want to be investigated for perjury in the Jones case. If it should be noted that despite all of his efforts, he eventually agreed to pay $700,000 to settle the case.

The President's defense to the perjury allegations is limited to only one aspect of his testimony: that he did not have sexual relations with Monica Lewinsky, because he did not believe oral sex meant sexual relations.

Perjury is judged by an objective standard, i.e. what a reasonable person under stand the term to mean under the circumstances. A reasonable person would clearly believe that oral sex is a sexual relation.

The President's defenders assert that his relationship with Ms. Lewinsky is his private business and he should not be subject to impeachment even if he did commit perjury. If the Congress agreed that position, it would be establishing two different legal systems. One for the President and another for everyone else.

Since Bill Clinton has been President, the United States Department of Justice has prosecuted and convicted more than 400 persons for perjury.

Here are the facts of a few cases:

1. A Veterans Administration psychiatrist was convicted of perjury for lying in a civil suit about a sexual relationship she had with a patient. The psychiatrist was sentenced to six months in jail and lost her professional license.

2. A Texas judge was convicted of perjury for declaring he had used political contributions to buy flowers for his staff when, in fact, the flowers were for his personal use.

3. A Florida postal supervisor is in prison for denying in a civil deposition that she had sexual relations with a subordinate.

4. The former women's basketball coach at the University of South Carolina went to prison after she was convicted of committing perjury relating to a sexual relationship with one of her players.

The President should not be immune from laws designed to protect the integrity of our judicial system. For these reasons, I will vote in favor of Articles I and II.

Article III charges the President with Obstruction of Justice. Specifically:

1. He is charged with encouraging Monica Lewinsky to file a sworn affidavit in the Jones case that he knew would be false.

2. He encouraged Monica Lewinsky to lie under oath if called personally to testify in the Jones versus Clinton case.

3. He told lies to White House aides who he knew would likely be called as witnesses before the Federal grand jury investigating his misconduct. He repeated the assertions to the grand jury, causing the grand jury to receive false information.

4. He engaged in a plan to conceal evidence that had been subpoenaed in a federal civil rights action brought against him.

5. He corruptly induced his attorney to make false and misleading statements to a Federal Judge in an affidavit in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.

6. He received a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

7. The testimony of witnesses in a Federal circuit case usually refers to a violation of 18 U.S.C. § 1503 which contains a catchall clause making it unlawful to influence, obstruct, or impede the due administration of justice. It may also refer to 18 U.S.C. § 1512, which proscribes intimidating, threatening or corruptly persuading through deceptive conduct, a person in connection with an official proceeding.

During his deposition on January 17, 1998, in the Jones case, President Clinton frequently referred to his secretary, Betty Currie, as someone he could verify his testimony as it related particularly to Monica Lewinsky. At the deposition, Judge Wright imposed a protective order that directed the parties, including President Clinton, to refrain from discussing their testimony with anyone.

The next morning, a Sunday, President Clinton met with Betty Currie at the White House briefing room. This conversation might be called as a witness in the Jones case. He told her about his testimony at the deposition and reviewed it in detail. She subsequently testified to the Federal grand jury that the President wanted her to agree with his testimony if she was called to testify.

The Betty Currie episode is one of the key points in this article. However, there are additional facts and evidence that provide convincing proof that the President did obstruct justice. I will vote in favor of Article III.

Article IV charges President Clinton with abuse of power. This article relates to the President's evasive answers to a list of 81 questions submitted to the Judiciary Committee.

From my analysis of this charge, the primary allegation is based on the President's use of executive privilege and his evasive answers to 81 questions submitted to him by the Judiciary Committee. Although I believe from the evidence that the President is less than forthcoming in his answers and may have been aggressive in his assertion of executive privilege, I do not believe he abused his power. I will vote against Article IV.

Mr. DOOLEY. Mr. Speaker, like most Americans, I believe the President's behavior was irresponsible, inappropriate, and deeply disappointing. But, like most Americans, I have concluded that his actions do not rise to standard of impeachment established by the Framers of our Constitution.

Make no mistake. The President is not above the law. He can be sued in criminal or civil proceedings for his actions in this matter when he leaves office. But as Members of Congress, we have a unique responsibility, and must adhere to the standards set forth by our founding fathers. Our founding fathers intended for impeachment to be a drastic remedy when the President has committed "great and dangerous offenses" against the nation.

Make no mistake. The President's behavior was wrong. But impeachment was never intended to punish the President for wrongdoing. Impeachment was intended to remove a President from office when his actions imperil the future of our nation. Impeachment was intended for a President who commits treason, bribery, or other high crimes and misdemeanors against the nation. Congress should not lower the standard of impeachment, and reverse the will of the electorate merely as a means to express displeasure with the President's behavior.

Against the wisdom of nearly nine hundred constitutional scholars, the majority has chosen to proceed with a bitterly partisan attempt to impeach the President. Against more than
twelve hundred years of constitutional and historical precedent, the majority has chosen to proceed with a bitterly partisan attempt to impeach the President. And against the overwhelming sentiment of the American people, the majority party has chosen to proceed with a bitterly partisan attempt to impeach the President.

Rightly, our founding fathers established a high standard for impeachment. Our founding fathers would view our action today as maligning their intent, and as an action that upsets the careful balance of power between the executive and the legislative branches. We cannot afford to set this dangerous, misguided precedent, and irrevocably erode the standard for impeachment.

Mr. LINDER. Mr. Speaker, serious charges have been made against President Bill Clinton, and I have stated that I believe resignation would be the best course of action. Not one of us wants to be here talking about perjury, obstruction of justice and abuse of power. This House is, however, carrying out its sworn duty as the representative branch of our Government to ensure that the president does not use the great powers at his disposal to undermine justice.

For centuries, people have agreed to compact, covenants and constitutions to form a government and be bound by its rules. We, the people of the United States, agree that no one man can be permitted to decide which laws can be broken or which lies he deems are acceptable under oath. No, 250 million Americans don't believe every case of classified as ‘minor,’ then we have jeopardized the rights of everyone who seek redress in our courts. Lying under oath is an ancient crime of great weight because it shields other offenses, blocking the light of truth in human affairs. Even a single lie is a fraud upon our society, upon our legal system and our democracy; it cannot and should not be tolerated.

We know that “a right without a remedy is not a right.” If we allow, ignore, or encourage lying and obstruction of justice in our legal system, then the rights promised in our laws are hollow. Our laws promise a remedy against sexual harassment, but if we say that “lying about sex in court” is acceptable or expected, then we have made our sexual harassment laws selectively. President Clinton is guilty.

The greatest challenge of free peoples is to restrain abuses of governmental power. The power of the American presidency is awesome. When uncontrolled and abused, presidential power is a grave threat to our way of life, to our fundamental freedoms. Clearly improper use of executive power by the President to cover-up and obstruct investigations of him and others, including the President himself, is a violation of the rule of law, and truth should be our only guides.

These allegations of lying under oath, obstruction of justice, and abuse of presidential power are not about private conduct, but instead about public conduct in our courts of law and in exercising presidential responsibilities. Public duties and public power are involved—and therefore the matters of the greatest public concern when those public duties are violated and those public powers are abused. Our constitutional system is the bedrock of our democracy and of our system of individual rights. Lying under oath in a legal proceeding (whether criminal or civil in nature) and obstruction of justice undermines the rights of all citizens, who must rely upon the courts to protect their rights. If lying under oath and the rule of law are ignored, then we have trivialized the role of truth in our judicial system, and our legal system and our democracy; it cannot and should not be tolerated.

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have to wonder whether Bill Clinton made that decision to delay the impeachment debate in the U.S. House of Representatives, is proof that he can no longer lead this nation.

When President Lyndon Johnson ordered military action in Vietnam, nobody questioned his motives. People questioned the decision itself, the war, and the wisdom behind the decision; but never were the personal or political motives behind the decision questioned.

When President George Bush ordered military strikes in Iraq as part of Desert Storm, people may have debated whether or not to let sanctions work a little longer, but nobody questioned the personal or political motives behind his decision. When President Clinton ordered military strikes against Iraq last night, the first question from lowans, Americans and people from around the world was whether or not the president was taking this action to delay the impeachment debate—had the movie "Wag The Dog" become reality?

This has gone beyond President Clinton’s relations with an intern. This has gone beyond perjury, and beyond lying under oath before a grand jury. You can say that everybody lies about sex. But no one can say that everybody orders Americans soldiers into harms way to delay a debate on their qualifications to lead the most powerful nation in the world. Only the president faces that decision, and we must have a president whose actions and intentions involving the lives of American men and women in uniform must be beyond reproach and beyond question.

Today, the ramifications of a nation dealing with a president who has committed perjury before a grand jury have become real and undeniable. We no longer have confidence in this President to make the most important decisions a commander in chief must face.

My biggest fear is going to the funeral of some young Iowa man or woman who dies in this conflict and having their mother and father come up to me and ask whether or not their son or daughter died for America or died to save Bill Clinton’s presidency. I don’t know what I would say to those grieving parents.

For that reason, I believe the president must resign immediately.

I am confident that a “President” Al Gore can complete our military mission in Iraq and command the respect and confidence of the American people.

Today, as well, I will vote in favor of all four Articles of Impeachment as presented by the House Judiciary Committee.

Mr. GANSKIE. Mr. Speaker, my vote on the impeachment of President Clinton will be the most important vote I cast in public service. The proposed impeachment of a president has occurred only twice before in our nation’s history and I consider this as grave Constitutional importance. I have made my decision only after a great deal of study, listening to the advice of my fellow citizens, and much soul searching.

Why am I releasing this statement before the Judiciary Committee votes on articles of impeachment? Because for all practical purposes the relevant information is in. The President has provided responses to the committee and to me that his challenge to the facts of the case. My constituents deserve to know where I stand on impeachment—whether a vote by the House occurs or not.

This whole affair deeply saddens me. President Clinton is a man of personal charm, intellect, and empathy. I, possibly more than any other House Republican, have worked in a bipartisan manner with President Clinton. The President has shown special consideration for me on several occasions. In making my decision doubly difficult, I hold no personal enmity toward the President, quite the contrary. When I called on the President to resign after his scandal became public but before the sordid details came out, I did so out of concern for what the country was likely to go through. I did so also out of concern for what would be best for President Clinton and his family. . . . and I shared those sentiments with President Clinton. I, too, have a daughter who has just started college and I especially sympathize with how difficult this has been for the President’s daughter.

As I write this many images come to mind. I see a videotape of President Clinton hugging a starstruck young woman in a black beret and an image of the President pointing his finger at the American people saying, “I did not have sexual relations with that woman.” I can see the President sweating over his grant jury answer, “It depends on what the meaning of the word ‘is’ is.” Then there’s the indelible image of an angry President of the United States, his hair arcing off his head in anger, saying “I have had sexual relations with that woman” when he had just apologized to the nation for “inappropriate behavior.”

Who will ever forget these pictures, and how sad it is that they are now part of our nation’s history. Couldn’t we just ignore this tawdry scandal? I wish we could, but this tragedy moved past personal immoral behavior a long time ago.

Sometimes our public and personal lives require that we review another’s actions and pass judgment. This is never easy and we only pray that we do so with fairness and justice and by the rules. In this case, the rule book is the United States Constitution, which I have taken an oath to uphold.

In my opinion, the President should not be impeached because he’s committed adultery, though this reckless behavior surely could have exposed this President of the United States to blackmail. Nor would adultery with a subordinate in the workplace, however morally reprehensible, rise to the level of impeachable behavior. However, President Clinton’s impeachment isn’t about his affair per se.

I have framed my decision on two questions: Did President Clinton lie under oath, obstruct justice, tamper with witnesses and the abuse of his powers of his office? And if the President did these misdeeds do they rise to the level of impeachable offenses?

What are the facts? President Clinton testified under oath in the Paula Jones sexual harassment case that he did not have sexual relations with Lewinsky. He responded “none” when asked by the Jones’ lawyers if he had sexual relations with employees as President. He sat silently while his attorney told the judge “there is absolutely no sex of any kind in any manner, shape or form” between Clinton and Lewinsky.

President Clinton was questioned by his own counsel during this deposition: Bennett: In [Lewinsky’s] affidavit, she says this: “I have never had a sexual relationship with the President.” Is that a true and accurate statement as far as you can see it?

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CLINTON: That is absolutely true.

Seven months later in testimony before the grand jury, Clinton said the truth of such denials depends on what the meaning of “is” is? I watched Judge Starr’s testimony before the Judiciary Committee. I found it credible. For me, the evidence is overwhelming that President Clinton lied. There is also credible evidence that he tampered with witnesses and conspired with others to obstruct justice. After learning that Lewinsky was on the witness list for the Jones Assessment case that he did not have sexual relations with Ms. Lewinsky that she could submit an affidavit to avoid testifying. This she did. Vernon Jordan got a job for her, and Jordan called the President to report, “Mission accomplished.”

The President’s lies were about much more than “personal privacy.” Ms. Lewinsky was material witness in a sexual-harassment suit against the President. Her false affidavit served to keep her from testifying and allowed the President to deny sex in his deposition. The White House is using Ms. Currie to retrieve subpoenaed gifts from Lewinsky that the President had given her. The President coached Currie, suggesting to her that if she had always been present when Lewinsky and Clinton were together, President Clinton then denied his affair to Congress. Ms. Currie had them repeat denials to the press. He misrepresented the truth to aides, causing them to repeat the deceptions to the grand jury.

Who would doubt that the President and his defenders now would be dismissing Monica Lewinsky as a liar and the unavailability fact . . . DNA testing proves that the President’s semen was on her dress! And that is why not a single one of President Clinton’s defenders during the committee hearing with Starr attempted to discredit the facts of the case or even the President’s perjury and obstruction of justice. No one—not the President’s attorney David Kendall, not Democratic counsel Abe Lowell, not the Democratic members of the committee . . . not one of them disputed these facts.

DOES ANYONE DOUBT THAT THE PRESIDENT DID IT AND THEN LIED ABOUT IT UNDER OATH?

This brings us to the second question: Do these misdeeds rise to the level of impeach- ment? the Constitution provides for impeach- ment of the President for "treason, bribery, and other high crimes and misdemeanors." It is clear that the Framers didn’t intend to authorize Congress to impeach presidents over policy or personal differences. But “high crimes and misdemeanors” encompassed a broad range of misconduct in their eyes.

Alexander Hamilton in Federalist 65 wrote that misconduct would deal with “those of fenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done immediately to the society itself.”
In 1974 the Watergate impeachment staff analysis concluded that serious crimes rooted in private conduct are grounds for impeachment: the predecessors after 1787 support impeachment for “behaving in a manner grossly incompatible with the proper functioning and purposes of the office.”

Professor Michael Gerhardt, in his book, The Federalist Impeachment Process, said that even crimes “plainly . . . unrelated to the responsibilities of a particular office” are impeachable if the show “serious lack of judgment or disdain for the law” and thus lower “respect for the office.”

As Stuart Taylor has written in the National Journal, “Before President Clinton got caught no Constitution expert had ever suggested that it would be wrong to impeach a president for crimes such as lying under oath (even about sex), suborning perjury, or obstructing both a civil rights lawsuit and a criminal investigation.” Indeed, there is precedent for impeachment precisely on the grounds of perjury. In 1989 Congress impeached and removed Judge Walter Nixon for perjury.

Are we to assume that Congress can remove a judge for perjury, but not a president?

Clinton defenders say, “No one gets prosecuted for perjury.” Tell that to the more than one hundred people that The New York Times has documented as serving time in federal prison for perjury. Tell that to the President’s lies were “only about sex,” and therefore aren’t serious. Tell that to Pam Parsons and her 17-year-old lover who both committed perjury in a libel suit against Sports Illustrated. Both were sentenced to three years in prison.

Or how about the case of Dr. Jeffrey Goltz, a medical expert witness? He lied under oath about his education and credentials. In 1996 he got caught and pleaded guilty to perjury. He had to sell his medical practice and was sentenced to 18 months in prison.

Or consider David Wayne Holland who lied under oath in a private civil rights lawsuit. A federal appeals court imposed a heavier sentence than the civil court judge saying, “Perjury, regardless of the setting, is a serious offense which, if shown to be intended to give calculated harm to the functioning of the legal system as well as to private individuals.”

Other Clinton defenders argue that even though Clinton lied repeatedly under oath on January 17, that he did not “technically” commit perjury because the Lewinsky evidence was not “material” to the Paula Jones lawsuit. But contrary to some news reports, Judge Wright did not hold the Lewinsky evidence to be material. She ruled that it was “not essential to the core issues” and “not material” to the functioning of the legal system as well as to private individuals.

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Jonathon Turley, Professor of Law of George Washington University Law School, has written, “. . . And perjury committed by a president may be one of the most serious forms of criminal conduct since it is the crime that shields all other criminal acts from the public . . . by any reasonable measure, perjury and obstruction of justice clearly fall within ‘high crimes and misdemeanors.’”

To return to Hamilton’s statement, I can think of several ways in which the President’s perjury injures society. If President Clinton escapes impeachment, if an elected official can commit felony crimes (perjury and obstruction of justice) what does this say about our country’s commitment to equal justice under the law? And where did David Holland, a Jeffrey Goltz can spend time in prison for perjury, what does it do to society to see “little” people spend time in prison for breaking the law and “big” people let off? If the President walks, cynicism reigns.

Rear Admiral C. V. Scudder has just been charged with two counts of adultery, giving false official statements, obstruction of justice and an ethics violation. The Navy has filed criminal charges against him. However, because of Constitutional immunity for the president, the only real remedy for presidential crimes is impeachment and removal. And if a boss such as Clinton can lie under oath about sex with a subordinate in sexual harassment suit and then escape punishment, the victims of sexual harassment will be the losers.

But contrary to some news reports, Judge Wright did not hold the Lewinsky evidence to be material. She ruled that it was “not essential to the core issues” and “not material” to the functioning of the legal system as well as to private individuals.

The Constitution stipulates that the House should function as a grand jury. Article of impeachment function in the same way as counts to an indictment. The House does not determine guilt or impose a penalty but simply defines the articles of impeachment for a trial on the merits in the Senate. The President’s popularity or accomplishments are not pertinent to the House’s function. Only after guilt is established is a defendant allowed to present arguments to avoid punishment. That is for the Senate to decide.

Were I on the Judiciary Committee, I would vote for articles of impeachment because I would see this as my duty. If articles of impeachment on perjury or obstruction of justice, or both, come to Congress for a vote, I will vote “Yes.” Even if I suffer politically for this vote, my conscience is clear.

Mr. RICE. Mr. Speaker, I rise today to fulfill my constitutional duty to address the impeachment of President William Jefferson Clinton. For many months, I made a concerted effort to avoid reaching an unsubstantiated decision regarding the conduct of President Clinton. I refrained from judging the President’s guilt or innocence until I had an opportunity to review all the facts. During this time, I listened to the President’s supporters. I listed to his attorneys. I listened to the White House staff and I examined all the testimony and evidence put forth by the House Judiciary Committee. I also met with and heard from witnesses regarding their thoughts and opinions about the actions and conduct of the President. Upon reviewing all the evidence and testimony before the House Judiciary Committee it is my sincere belief that substantial and credible evidence exists that the President committed high crimes and misdemeanors.

We cannot allow the actions of the President to go unpunished; this would breed contempt for the law. Willfully and knowingly lying, after swearing before God and country to tell the truth, the whole truth and nothing but the truth, is a very serious offense for anyone. The President does not have any great rights that any other citizen of this country when it comes to the rule of law and preservation of justice. The United States system of law and order requires one standard for all and is devoted to upholding law. When a person testifies in court to tell the truth, the whole truth and nothing but the truth, there is no exception to that oath. It applies to all matters, whether they be personal, embarrassing or considered a “little thing.” President Clinton’s willful lies under oath before a federal judge and grand jury are a direct assault on our nation’s democracy. This undermines our legal process and is a violation of the Presidential Oath of Office.

The evidence demonstrates that the President has sustained a pattern of perjury, obstruction of justice, and abuse of power. In December 1997, the President willfully and knowingly lied under oath in his written answers to a federal court. In January 1998, the President willfully and knowingly lied under oath repeatedly in the Paula Jones deposition. Then he willfully and knowingly used his Office to influence witnesses and obstruct justice in the Jones’ lawsuit. In August 1998 he willfully and knowingly lied to a federal grand jury, and he willfully and knowingly lied when he purport to answer the 81 questions posed to him by the House Judiciary Committee.

President Clinton is said by many who know him best to have a phenomenal memory. His friend, Vernon Jordan, said the President has “an extraordinary memory, one of the greatest memories” he has ever seen in a politician. However, in more than four hours of videotaped testimony before a federal grand jury, the President testified, under oath, on more than 100 occasions that he could not remember details involving his relationship with Ms. Lewinsky. When a person under oath, that he does not remember something, when in fact he does, he has lied under oath. During this one year period, President Clinton had innumerable opportunities to tell the truth, yet he continued to willfully and knowingly put his own self interest before that of justice and the good of the nation. To this day, he has yet to acknowledge that he committed a crime or show remorse for his actions. We can not allow the actions of the President to teach contempt for the law of our nation. Our legal system, which protects the rights and liberties of all citizens, is dependent on people telling the truth while under oath.

U.S. Supreme Court Justice Brandeis, in Olmstead vs. United States, so eloquently...
states what I believe to be a beacon of light guiding us through this impeachment inquiry. He states:

...decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen... Our government is the potent, omnipresent, teacher. For good or ill it teaches the whole people by its example. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law.

Article II, Section 3 of the Constitution states the President “shall take Care that the Laws be faithfully executed.” It is my firm belief that substantial and credible information exists that the President committed acts that constitute grounds for impeachment. These actions constitute “high crimes and misdemeanors” as enumerated in Article II, Section 4 of the Constitution.

The President, as our chief law enforcement officer, undermines the integrity of our judicial system and threatens the rights and liberties of every one of us when he lies under oath. No citizen has the right to pick and choose what laws he or she may abide by, just because it may be embarrassing or inconvenient. We are a government of laws, not men. The President willfully and knowingly lied under oath, over and over and over again. That is a direct threat to our nation’s system of justice and law and order. Mr. Speaker, it is for the love of our nation and the duty to uphold the Constitution I have sworn to protect that I will support all four Articles of Impeachment against President Clinton.

The SPEAKER pro tempore (Mr. LaHood). Under the previous order of the House entered earlier today, this concludes debate on House Resolution 611 until tomorrow.