What the defenders want to do is lower the standards by which we hold this President and lower the standards for our society by doing so. I cannot in good conscience, after watching Newt Gingrich put the country and House above himself and resign, and I cannot stand before you watching Bob Livingston put his family, and I hope you will think about his family, his friends, his House and his country above any ambitions that he may have. He thought he could do a better job, I think he would have. But for some it is no longer good enough to make a mistake, confess that mistake and accept the consequences of that mistake and change the way you live your life and keep moving and make a contribution to this country. I think you ought to think about that, both sides.

So, Mr. Speaker, we will proceed. We will elect another Speaker. This country will be better for it. I cannot say this strongly enough: This is God's country, and I know He will bless America.

The SPEAKER pro tempore (Mr. LaHood). The Chair announces that the gentleman from Illinois (Mr. Hyde) has 14 minutes remaining, and the gentleman from Michigan (Mr. Conyers) has 15 minutes remaining.

The Chair recognizes the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Michigan (Mr. Nader), an outstanding member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I am ever more depressed today than I thought I would be yesterday. I believe the resignation of the gentleman from Louisiana (Mr. Livingston), while offered in good faith, was wrong. It is a surrender, it is a surrender to a developing sexual McCarthyism.

Are we going to have a new test if someone runs for public office: Are you now or have you ever been an adulterer? We are losing sight of the distinction between sins, which ought to be between a person and his family and his God, and crimes which are the concern of the State and of society as a whole.

On one level we could say, I suppose, that you reap what you sow, but that gives us no joy, and it gives me no joy. I wish that the gentleman from Louisiana (Mr. Nader) would reconsider, because I do not think that on the basis of what we know he should resign. But the impeachment of the President is even worse. Because, again, we are losing the distinction, we are losing track of the distinction between fraud and crimes. We are lowering the standard of impeachment.

What the President has done is not a great and dangerous offense to the safety of the Republic. In the words of George Mason, it is not an impeachable offense under the meaning of the Constitution.

As we heard from the gentleman from Michigan (Mr. Conyers), the allegations are far, far from proven. And the fact is, we are not simply transmitting evidence, transmitting a case with some evidence to the Senate, as evidenced by the fact that we already heard leaders in this House say he should resign. God forbid that he should resign. He should fight this and beat it.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. Cox).

Mr. COX of California. Mr. Speaker, we are gathered here to deal with a problem that none of us wants and we are agreed upon much more than we admit.

The censure resolution, not the articles of impeachment, but the censure resolution states that William J. Jefferson Clinton has violated his oath of office, damaged and dishonored the presidency, engaged in reprehensible conduct, and obstructed discovery of the truth. This debate, therefore, is not about whether the President has abused his office. He has. And both Democrats and Republicans acknowledge it.

Some have said we should not deal with this question now while our troops are in the Gulf. It might be added that they are also in Bosnia, in Kosovo, and nose to nose with North Korean soldiers in the DMZ. A quarter million American soldiers are positioned for global conflict, and they will be there long after this debate ends. They are protecting our freedom and our democracy. It is for them as much as for any Americans that Congress meets today.

Every one of our soldiers is held to a code of conduct. None of them could keep his or her job, the privilege of being ordered into battle, if they had committed the crimes of our Commander in Chief. For committing just the underlying acts, the so-called personal elements of the Commander in Chief's conviction, the prosecution has prosecuted no fewer than 67 American officers and enlisted men and women. Hundreds of Americans who have served their country in the Army, the Navy, the Air Force and the Marine Corps have lost their careers, even though they did not once lie under oath to a judge or to a grand jury or obstruct justice or tamper with a single witness. They were dismissed because of a more simple reason: They failed in their duty.

Every single man and woman in operation Desert Fox at this very moment is held to a higher standard than their Commander in Chief.

Let us raise the standard of our American leader to the level of his troops. Let us once again respect the institution of the presidency. Let us see to it that the conscience of our country is saying merely in words, that no man is above the law. Let us not fail in our duty. Let us restore honor to our country.
According to the evidence presented by our fine Committee on the Judiciary, the President of the United States has committed serious transgressions. Among other things, he took an oath to God to tell the truth, the whole truth and nothing but the truth, and then he failed to do so, not once but several times. If we ignore this evidence, I believe we undermine the rule of law that is so important to all that America is.

Mr. Speaker, a nation of laws cannot be ruled by a person who breaks the law. Otherwise it would be as if we had one set of rules for the leaders and another for the government. We would have one standard for the powerful, the popular and the wealthy, and another for everyone else. This would be our ideal that we have equal justice under the law. That would weaken the rule of law and leave our children and grandchildren with a very poor legacy.

I do not know what challenges they will face in the future, but I do know they need to face those challenges with the greatest constitutional security and the soundest rule of fair and equal law available in the history of the world, and I do not want us to risk their legacy.

Mr. Speaker, none of us, not us Members of Congress, not the President of the United States, are here by accident. We asked for these jobs. We went before the American people and we asked for the privilege and the honor to hold these offices. The American people gave us their trust and they expect us to use it to serve the Nation, its heritage and its future. We are not supposed to use it for ourselves.

Sadly, it seems that is exactly what the President has done. He failed in his duty to comply with the law of the land, the law of the land that he swore to uphold. He did that to protect his own person; not his office; not the duties of his office. He then used the powers of his office once again for his own purposes.

The President’s defenders say it is wrong to pursue our duty here because the President’s transgressions, they say, which, incidentally, they do not dispute, indeed, they even condemn, they say were focused on upholding the rule of law. The reason that it is uncomfortable or unpleasant, then we will be responsible for the cancer spreading through the Nation. It will create a sickness in the everyday lives of all Americans.

How will it appear? In contracts not honored; in a mother who loses custody of her children in a divorce court because the father lied under oath; in a business where the only witness to a made-up story is given a new job and pushed up by a generous bonus; in a college where a grade is given for money; in our armed forces, where a lack of integrity means people might die needlessly; in a family where the children cannot tell the difference between a truth and a lie.

Mr. Speaker, today we have a responsibility to uphold our most sacred principle and to fulfill the duties to which we swore an oath. My great fear is that for some reason we fail in this duty, we will be just as responsible for degrading the rule of law as the President we failed to hold accountable.

Mr. Speaker, the gentleman from Louisiana (Mr. Livingston) set before us today is a man who breaks that oath. It breaks our heart. It breaks our heart for his wife Bonnie, for his family. It confuses some of us. But the example is that principle comes before person, and it is an example we must all hold to ourselves.

There are three principal questions each of us must consider. First, did the President of the United States commit the felony crimes with which he has been charged? Secondly, are they impeachable offenses? And, third, should we impeach him?

My task is to explain how I believe and I think you should understand these four articles of impeachment we have before us today and to walk through the evidence of the crimes the President, I believe, committed.

First of all, the President was sued in a sexual harassment civil rights lawsuit by Paula Jones. As a part of her suit she wanted to compel the credibility of the President by bringing forward evidence that the President had engaged in a pattern of illicit relations with women in his employment.

Long before the President and Monica Lewinsky were ever called as witnesses in that lawsuit, they reached an understanding that they would lie about their relationship if they were asked. One day in December of last year, the President learned that Monica Lewinsky was on the witness list in that case. He called her. He talked to her about it. During that conversation they discussed the cover stories they had previously discussed on other occasions. And the President suggested to her that she could file an affidavit to avoid testifying in that suit.

Monica Lewinsky subsequently, as we all know, filed a false affidavit that was perjurious in its own right. She testified before the grand jury that the President did not tell her to lie in that affidavit but she and he both understood from their conversations and previous understandings that in fact she would lie.
The evidence is clear and convincing. I think beyond a reasonable doubt that at that moment the President committed the first of a series of felony crimes that led us to here today. That was a crime of obstructing justice in trying to get Monica Lewinsky to lie in an affidavit and encourage her to lie if she was called as a witness.

That is the heart and essence of the first of seven counts of obstruction of justice in article 3. I would like to call my colleagues’ attention to the fact that the way that article reads, and it is here for Members to look at in article 3. It says that the scheme the President engaged in after that included one or more of the following. There were seven of them:

1. I believe the hiding of the gifts, the effort to get a job for Ms. Lewinsky, the efforts to get Ms. Currie, his secretary, to corroborate his later false testimony and so forth are all proven by the evidence in the 60,000 pages of sworn testimony that we have reviewed. But whether you agree with all of them or not, all you have to do is believe there is clear and convincing evidence that one of them is true, and certainly the affidavit is true, to send this article to the Senate for trial.

2. Now, in January after this affidavit incident, once it was prepared and it was filed and all of the sordid details we are aware of with regard to it took place, the President testified under oath in a civil deposition in that J ones case and he lied again and again and again. The principal lie he told then and before the grand jury concerned the question of whether or not he had sexual relations with Monica Lewinsky. The definition that he was given by the court, however, involved people think, he did testify in the grand jury he did understand. The words that were given to him, he knew what they meant. And the actions that the President took several of these actions according to Monica Lewinsky indeed were sexual relations according to that definition.

3. There are more than six witnesses that Monica Lewinsky talked with contemporaneously to the engaging in those activities that corroborate what she has to say. She is very believable, unfortunately, and the President is not.

4. It is not a question of having to fudge around with the definition. Under the clear definition as he understood it, the President lied before the Paula J ones case in his deposition and then under oath again before the grand jury about that.

5. Not only that but in his deposition in the J ones case the President swore he did not know that his personal friend, Vernon Jordan, had met with Monica Lewinsky and talked about the case. The evidence indicates he lied. It also indicates that the President swears he could not recall being alone with Monica Lewinsky. And in that case that he lied. The President said he could not recall being in the oval office hallway with Ms. Lewinsky except maybe when she was delivering pizza. The evidence indicates that he lied. The President could not recall the gifts exchanged between Monica Lewinsky and himself, and the evidence indicates that he lied. And so on down the road.

6. The President swore he did not understand the concept of obstruction of justice, and in his grand jury he lied again under oath, and that is articles 1, 2 and 3.

7. In article 4, he lied again to Congress. He told us the same things. He said he did not engage in the sexual relationship with Ms. Lewinsky in the cot that he said that he was never alone with her. He repeated the same lies again to this Congress, and that is a grave insult to the constitutional system of government. The President of the United States did commit impeachable offenses. Perjury rises to the same level as bribery, Treason, bribery and other high crimes and misdemeanors. That is what the Constitution says. I would submit that he did understand. If the evidence is clear, there is no question that he has subverted our system of government and he should be impeached unfortunately.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the gentleman from Louisiana (Mr. J. ohn).

Mr. J. ohn. Mr. Speaker, I beg of my colleagues to end this sad chapter in America. We have damaged the fiber of our representative democracy. We are tearing the greatest country in the world by the deliberations here and over the past few months.

I plead of you to stop. To stop. Please put an end to this madness. You have lost two of your own. We have lost the bipartisan spirit. But the real losers are the American people. Vote your conscience and your beliefs. I will. But let us move on.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Edwards).

Mr. EDWARDS. Mr. Speaker, as Speaker J im Wright asked from the well of this House in 1999, “When will this mindless cannibalism end?” How many good public officials must be destroyed because of their private sins and human imperfections? When will we stop using the fallibilities of dedicated public servants to overturn the will of the American people expressed in free elections? When will we stop the sin of ignoring the virtues of others while ignoring the faults of ourselves? When will we recognize that the genius of our Founding Fathers was that they designed a system of government two centuries ago that would survive not because of the perfections of those who served but despite the imperfections of all of us who serve? When? When?

My colleagues, I would suggest only when we recognize these things will the rule of law and equal justice under the law in America rise to the people’s House. Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT) a former member of his State’s Supreme Court.

Mr. DOGGETT. Mr. Speaker, our democracy has flourished throughout history because imperfect human beings have come together here to resolve differences about how our nation should proceed, recognizing that no individual, no political party has a monopoly on truth. How tragic it is that we gather this week with so much talent and so much creative energy and so many problems that the American people face and are diverted to such unworthy purposes.

The real division that troubles me today is not the division that will go along strictly party lines about how we will vote, but the division that strikes through the heart and the spirit of America. What we need to be doing is coming together, recognizing that today we have a clear choice to punish individual wrongdoing—that we could come together and censure and disapprove that wrongdoing—but we do not have to censure and punish America.

In this new year, we will have a great choice—of coming together to resolve the real problems of our country or continuing to destroy individual lives. I hope we will make the right choice.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. Goode).

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

Mr. GOODE. Mr. Speaker, when the roll is called today I will vote “yes” on impeachment.

After assessing the evidence, testimony, and materials presented to the House Judiciary Committee, I believe that the President lied under oath in a grand jury proceeding and made false statements in a sworn deposition after acknowledging that the testimony was subject to the penalty of perjury.

In my judgment, these offenses are impeachable. They violate the rule of law which is fundamental to our democracy. To me, the issue is not what the lie was about, but the fact that the President made the choice to lie, repeatedly, after having taken an oath to tell the truth, the whole truth and nothing but the truth. Today there are hundreds of people in the United States in jail because they lied under oath.

Today is a sad day for Congress, a sad day for the Presidency, and a sad day for America. Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Matsui).

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

Mr. MATSUI. Mr. Speaker, I rise to oppose all four articles of impeachment.

The articles allege conduct on the part of the President that is undeniably distasteful and unbecoming of our Executive. The conduct alleged, however, does not rise to the high crimes and misdemeanors that are alleged in Art. II, Sec. 4 of the Constitution—Treason, Bribery, or other high crimes and misdemeanors. This standard, as evidenced through records from the Framers, history, and precedents,
clearly describe only offenses against our Constitutional system of Government. I wish to be clear that for purposes of evaluating the impeachmentability of the allegations against the President, I have assumed they are accurately characterized by the prosecution. It is important to remember, however, that none of the material and information contained in the referral from the Office of Independent Counsel (OIC)—much of it inadmissible hearsay evidence—has been subject to any sort of cross-examination.

THE CONSTITUTIONAL SYSTEM OF GOVERNMENT

The United States is divided into three co-equal branches of government. The Framers believed that the liberty of the nation would best be served by each branch jealously guarding its prerogatives, thus ensuring that no branch would inappropriately extend its power over the nation, or usurp the power of another. Our Government is not a parliamentary system. The President does not serve at the pleasure of the Legislature. The Executive is the only branch representing the popular will of the entire American population, to carry out the laws passed by the Congress. Correspondingly, the Constitution sets a high bar for impeachment and removal of the President. The invalidation of the popular will of the American public as expressed by a Presidential election is not an act the Framers wanted to make easy, or common. It is an act that was contemplated to be undertaken only in the face of the most serious threat to the nation. This is especially true because the Framers understood that the Public would be able to express its displeasure with a President every four years through the election process.

With this in mind, the Constitution affords the sole power of impeachment to the House of Representatives. Because the Judiciary was purposefully not given a role in the impeachment proceeding, the Constitutional standard is greater—a tell tale indication that not just any crime committed by the Executive warrants removal from office. This is a solemn responsibility, and one that should not be entered into lightly. In over 200 years of the Republic, the House has only once fully utilized this proceeding.

THE CONSTITUTIONAL DUTY OF THE HOUSE OF REPRESENTATIVES

The Constitution gives to the House of Representatives the “sole Power of impeachment.” The power of impeachment is not subject to review or guidance by any other branch of government. While the impeachment process has been casually analogized to the grand jury process, with Members of the House simply acting as grand jurors possibly sending an indictment to the Senate for trial, a careful parsing of the analogy, suggests a more involved role for House Members.

A grand jury is a mechanism by which the State may commence a criminal proceeding against a criminal defendant. Both the Judiciary and Executive branches play significant roles in order to guarantee fundamental fairness of the proceedings. However, in impeachment proceedings, the Constitution envisions that these vital roles will not be forfeited, but rather that House Members must combine within themselves the role of judge, prosecutor and grand juror.

As Prosecutor, Members of the House must determine whether it is appropriate to consider articles of impeachment. As has been often noted, prosecutorial discretion is one of the benchmarks of fairness of our criminal justice system. As grand juror, Members of the House must act with personal and political impartiality towards the Executive in deciding the issue. As a Relevent to the review of the impeachment record, it is clear that the House has not exercised the mandated process in determining whether to proceed with the impeachment of the President nor acted with the impartiality required of grand jurors. Furthermore, I conclude that the House, as Judge, must conclude that the standards of high Crimes and Misdemeanors has not been met. I would like to focus on this core issue of whether the President’s conduct is impeachable.

THE CONDUCT ALLEGED IS NOT IMPEACHABLE

The facts alleged on the part of the President by the OIC referral are not impeachable because they do not rise to the high standards contemplated to be undertaken only for impeachment called for in the Constitution. The President shall be removed from office only upon “Impeachment for, and Conviction of, Treason, bribery or other high Crimes and Misdemeanors.”

As the text of the impeachment clause makes clear, the Constitution envisions impeachment for Presidential conduct that threatens the Republic. Impeachment can be further differentiated from a criminal penalty in that impeachment serves to protect the nation, not to punish a wrongdoer. The High Crimes and Misdemeanors standard requires a higher caliber of Treason and Bribery to rise to the impeachment threshold. The Constitution created the impeachment mechanism in order to punish serious, official misconduct. Official misconduct on the part of the Executive that was not serious could be punished by the Executive process. The President, for private acts of misconduct, would be—like any other American—subject to the normal judicial process. Realizing that removal of a popularly elected Executive would be traumatic for the nation, the Framers considered a lower standard in drafting the Constitution—“maladministration.” James Madison objected to this impeachment standard because it would imply that the President served at the pleasure of Congress, thus threatening the co-equal status of the Executive vis-a-vis the Legislature.

The core allegations contained in the articles of impeachment are that the President lied in a civil deposition and before a grand jury about a private, sexual affair, and that he threatened to use his executive power in attempting to conceal and obfuscate the embarrassing facts of this private affair. Further, even accepting the argument of the proponents of the impeachment articles, that the President’s misstatements are perjury—a great leap of legal faith—the Constitutional standard for impeachment would still not be met.

It is inconceivable that the Framers could have imagined that the conduct alleged in the OIC referral threaten the Republic or our Constitutional system of government. As G. Edward Mawson wrote in his seminal paper, impeachment was designed to remedy “great and dangerous offenses” attempting “to subvert the Constitution.” The President’s sexual affair, and his subsequent attempts to conceal it, was distasteful, and possibly illegal, but it strains credulity to claim they were an attempt “to subvert the Constitution.” If they were illegal, they can be punished by the normal criminal or civil judicial process.

CONCLUSION

The House today serves the Constitution. The Framers set a very high standard for impeachment. They did not intend that the will of the people, as expressed in the election of a President, would be lightly set aside. Nor did they create the mechanism of impeachment to punish wrongdoing by the Executive. Impeachment was created to protect the nation—in deed, the Constitutional system of government—from serious, official misconduct by the President. There can be little doubt that the President’s conduct as alleged in the report from the office of the Independent Counsel is reprehensible misconduct. As the Constitution will show, however, it did not rise to the high threshold called for by the Constitution.

Mr. CONYERS, Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. PETERSON). (Mr. PETERSON of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Minnesota. Mr. Speaker, I also rise to oppose all four articles of impeachment.

From the outset, I believed that any action the Congress chose to take to punish the President had to be bipartisan. If Republicans and Democrats could not put the best interests of the country ahead of their personal political viewpoints, we could solve this problem honorably and get on with the nation’s business. We had the opportunity, but we didn’t take advantage of it.

I’ve been one of the people working for a bipartisan solution, trying to build consensus for a fitting punishment, but this process has degenerated into a purely partisan battle. In some ways, this process has been unfair from the outset. No other President in American history has been continuously investigated by a Special Prosecutor throughout his terms of office. The President’s enemies have misused this process to undo the decision that the American people made in two elections. The office of the Special Prosecutor was not established to settle political differences, but that is how it has been used in this case, and it sets a very bad precedent for the future.

When I joined with 30 other Democrats to support the Republicans’ outline for inquiry by the House Judiciary Committee, I did so because I thought Chairman Henry Hyde would conduct a thoughtful considered investigation of the facts, with testimony from witnesses, and a chance for cross-examination—but he chose not to take that course, and I have been profoundly disappointed by what he did do. Instead of conducting an investigation in the cooperative, bipartisan tradition of the Watergate hearings, the Chairman directed hearings that were unfocused, largely without any substantive examination of the facts or witnesses, and designed to deliver a pre-ordained outcome.

When the Watergate-era Judiciary Committee considered the evidence against President Nixon, it was clear that he had submitted false tax returns, and broken the law by doing so. Nonetheless, Republicans and Democrats on
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Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. Bonior) on our distinguished minority whip.

Mr. BONIOR. Mr. Speaker, this House is shocked and saddened by the Speaker-elect’s announcement. The gentleman from Louisiana (Mr. Livingston) is a respected member of this House who has served with distinction and dedication for over 20 years. Now we find ourselves in a destructive cycle that is eating away at our democracy. The politics of personal smear is degrading the dignity of public office and we must not let it continue.

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We must put an end to it, and the only way we will stop this vicious cycle is if we stand up and refuse to give in to it, whether it is Bill Clinton or Bob Livingston.

To the Speaker-elect I would say, “This is your decision, the decision of your family, the decision of your Conference.” But for my own part I would say, “You should not allow a campaign of cynicism and smear to force you to leave the House in disgrace, and you should not have called on the President to resign.”

Mr. Speaker, what we do here today will have long-lasting consequences, not just in this House, but for our Constitution, for our country, for our democracy. We are here to impeach the President and should not be distracted from that.

What does a vote for impeachment really mean? It is a vote to nullify the most sacrosanct institution in any democracy: the ballot box.

What the President did is wrong, and he should be held accountable, but the offenses he has committed do not rise to the historical standards of impeachment set by our Founding Fathers. We must not lower that standard to suit the needs of angry partisans. We must not let them accomplish through impeachment what they could not do at the ballot box. They must not succeed.

Today we stand against those who would hijack an election and hound the President out of office against the will of the American people. The American people support this President’s agenda, and they want us to move forward for better health care, for stronger schools, for retirement security for every American in this country.

A vote for impeachment today will only feed the corrosive and destructive politics of personal attack. It will prolong and escalate this whole sorry episode.

Mr. Speaker, in this building are the marble halls where Daniel Webster and Henry Clay and Abraham Lincoln debated the fate of the Union. Have we sunk so low that in these same halls we would allow the likes of Ken Starr and Monica Lewinsky and Linda Tripp to ignite the constitutional crisis of our age? Does such a spectacle really strengthen our Nation? Does it dignify our democracy? Does it honor our Constitution?

The American people sent a clear message this November. They want this President to continue to do the job they elected him to do, and yet this Congress is deliberately ignoring their will. Let me tell my colleagues that people are angry, and they are frustrated, and they are outraged and bewildered at what is happening here. Six days before Christmas our troops are in battle, and a lame duck Congress is rushing to overthrow the Commander in Chief.

Mr. Speaker, this is surreal. The scenario reads like the plot of a cheap paperback novel, not the deliberation of the country’s greatest democracy.

Mr. Speaker, it is not too late to step back from the brink. The American people desperately want us to restore some dignity and some common sense
to our politics, some sense of proportion. They want us to come together, they want us to move on. Has this House become so out of control, so out of touch, so consumed that we will be denied the chance to vote on the one option that commands the support of all American people, the motion to censure?

We have heard a lot of talk around here about the rule of law, but these partisan proceedings have made a mockery of our constitutional process. Across the nation they have been announced as, and let me quote: a dreadful farce of partisan posturing; a soiling of the Constitution; a circus; a kangaroo court; an attempted coup.

Today we are offering a way out of this morass, and one last time we implore our colleagues to not use their power to block a motion to censure. Do not deny us the right to vote on our constitution, do not silence the voices of the American people. Do not let the politics of cynicism and smear prevail. Listen to the American people. Let us vote on censure, and let us bring America together again.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Missouri (Ms. DANNER).

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

Ms. DANNER. Mr. Speaker, first, let me state that for anyone who believes that my vote was made on a partisan basis, let me assure you that if that had been the case, my decision could have and would have been made long ago.

However, I can assure you that was not the case. I fully recognized that this would be the most important vote in my career as an elected official and that it merited my most careful and thoughtful consideration. As late as 2:00 a.m. the morning prior to the vote I was reading Rakove’s Original Meanings—Politics and Ideas at the Constitutional Convention. I spent endless hours reading, studying and evaluating other materials and information—the Independent Counsel’s Report, the Judiciary Committee Report, Committee testimony from legal scholars on both sides of the issue, the views of my constituents and the remarks of my colleagues.

After much deliberation, I came to the conclusion that since there are other remedies that exist to address President Clinton’s behavior, impeachment was not the answer. Impeachment, as defined by the Constitution, was designed to protect our nation from “treason, bribery, or other high crimes and misdemeanors.” Indeed, President Clinton can, after leaving office, be indicted, tried and sentenced to prison. The Constitution does not provide for the prosecution of a president while in office.

In closing I believe it is important to once again refer to the intent of those who framed our Constitution. Impeachment, George Mason proclaimed, was for “crimes against the state.” In the Federalist No. 65, Alexander Hamilton wrote that a clear sign of when not to impeach was when the dispute was about executive powers and the president was “connected to pre-existing factions.” Old World parlance for “partisan.” At the Constitutional Convention in 1787, when George Mason proposed the impeachment clause, he described it as the most drastic of all “great and dangerous offenses”—to only “the most extensive injustice.”

Our Founding Fathers in their wisdom, and for the stability of our nation, placed the bar for impeachment high: at high crimes and misdemeanors. The President’s actions, while worthy of contempt, do not meet this threshold.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SANDLIN).

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

Mr. SANDLIN. Mr. Speaker, I submit for the record the following recommendations by the Committee on the Judiciary.

[From the Washington Post, Dec. 9, 1998]

Rep. HYDE. Very well. Would the witnesses please stand and take the oath. Do you solemnly swear or affirm that the testimony you’re about to give to the committee is the truth, the whole truth and nothing but the truth? I do.

Rep. HYDE. Thank you. Let the record show the witnesses answered the question in the affirmative. We have a distinguished panel today, as we have had all week. Thomas P. Sullivan is a senior partner at Jenner & Block (sp) and served as U.S. attorney in the southern district of New York from 1970 through 1973 and was task attorney in the southern division, and U.S. attorney in the southern district of New York from 1973 to 1975. From 1977 to 1981, he served as assistant U.S. attorney general, assistant attorney general for the criminal division, and U.S. attorney for the District of Massachusetts. He clerked for the United States District Court Judge Jack B. Weinstein from 1969 to 1970. He also served as an assistant U.S. attorney in the lower district of Massachusetts, the Eastern District of Pennsylvania, and the District of Maine.

Richard Davis is a partner with the New York law firm of Weil, Gotshal and Manges. He clerked for the United States District Court (sp) and the United States District Judge John W. Nielsen (sp) from 1969 to 1970. He also served as an assistant U.S. attorney in the southern district of New York from 1970 through 1972, as a trial attorney and as a deputy trial attorney with the Watergate special prosecution force, 1973-1975. From 1977 to 1981, he served as assistant secretary of the treasury for enforcement and oncology enforcement.

Edward S.G. Dennis Jr. is a partner in the litigation section of the Philadelphia law firm of Morgan, Lewis and Bockius. He joined the firm after a career in the Department of Justice, during which he held the following positions: Acting deputy attorney general, assistant attorney general for the criminal division, and U.S. attorney for the eastern district of Pennsylvania. He is a chair of the corporate investigations and criminal defense practice group.

William F. Weld is a former two-term governor of Massachusetts, graduate of the Harvard Law School. Governor Weld began his legal career as a counsel to the Judiciary Committee during the Watergate impeachment inquiry. He then served as U.S. attorney.
attorney and as head of the criminal division at main J. under President Reagan be-
fore being elected governor of Massachusetts in 1990. Governor Weld is currently a partner in
the law firm of McDermott, Will & Emory (sp) and he is also the au-
thor of the recently published comic politi-
cal crime novel, "Macro by Moonlight." I
hope it’s not a violation of any rule or regu-
lation give a plug for the governor’s book.
(Laughter.)

Ronald Noble is associate professor of law at
NYU School of Law. He served as assistant secre-
etary of the treasury for enforcement, 1994±
1996; as deputy assistant attorney general
at main Justice under President Reagan be-
cause the government was not interested in
the president either failed to respond or said
the president either failed to respond or said
he was not involved, if an ordinary
would not be prosecuted by a responsible
one witness testifies to the facts constitut-
ing the defendant's state of mind, Fur-
mother to underlying criminal conduct. The
alleged perjury and obstruction of justice are
established remedies available to civil liti-
the kinds of important matters that are the
criminal process in connection with civil litigation involving
private parties. The reasons are obvious. If the
ity the prosecutor's judgment, will not
result in a conviction—the responsible pros-
secutor's will decline the case.

Some years ago, during the Bush adminis-
tration, I was asked by an independent coun-
sel to act as a special assistant to bring an
indictment against and try a former member of the
President's staff, Ms. Lewinsky. Having looked
at the evidence, I declined to do so because
I concluded that when all the evidence was
considered, the case for conviction was
insufficient and there were innocent and
reasonable explanations for the allegedly
wrongful conduct.

Having reviewed the evidence, I have reached
the same conclusion. It is my opin-
ion that the case set out in the Starr report
would not be prosecuted as a criminal case by a responsible
prosecutor.

Before addressing the specific facts of the
several of the charges, let me say that in
conversations with many current and former
feared that the defendant knew his testimony to be
false at the time he or she testified, that the
testimony was willful, and that any ambiguity or uncertainty about
the question or answer meant must be
construed in favor of the defendant.

Both perjury and obstruction of justice are what are known as specific intent crimes,
putting a heavy burden on the prosecutor to establish the defendant’s state of mind. Fur-
mother to underlying criminal conduct. The
Mrs. Currie did so. Ms. Lewinsky testified that Mrs. Currie placed the call to Ms. Lewinsky. But the central point in this is, that neither Mrs. Currie nor Ms. Lewinsky testified that Mrs. Currie suggested to Ms. Lewinsky that she had the gifts, or that the president told Mrs. Currie to get the gifts from Ms. Lewinsky.

In these circumstances, it is my view that a responsible prosecutor would not charge the president with obstruction, because there is no evidence sufficient to establish, a single doubt, that the president was involved. Indeed, it seems likely that Ms. Lewinsky was the sole moving force, having broached the idea to the president, and no responsive encouragement was made to respond to your questions. You thank you, very much, and particularly for the extra time.

Rep. Hyde. Thank you, Mr. Sullivan. This is a formal proceeding. And in the chamber of Congress, we never—in the certain state legislatures—introduce people in the gallery on a special day, and we have someone in the audience that I think ought to be introduced. And with the permission of the gentleman from Massachusetts, I'd like to introduce Elise Frank, Barney Frank's mother.

[Applause.]

Rep. Hyde. Thank you, Mr. Davis. Mr. Davis. Thank you, Mr. Chairman, Mr. Conyers, members of the committee—

Rep. Coble. Mr. Chairman, Mr. Chairman. Rep. Hyde. Yes. Rep. Coble. I'm reluctant to do this, but in the sense of fairness, do you think that since Mr. Sullivan was afforded an additional three minutes, that we should make that offer to the other members of the panel, if it comes to that?


Rep. Coble. But for the remaining four, at least I tried.

Rep. Hyde. Thank you, Mr. Davis. Mr. Davis. Thank you. I will try and summarize my written statement, which the committee has. There can be no doubt that the decision as to whether to prosecute a particular case is an extraordinary and serious matter. Good prosecutors thus approach this decision with a genuine seriousness, carefully analyzing the facts in the law, and the personal feelings about the person under investigation.

In making a prosecution decision, as recognized by Justice Department policy, the initial question is, can the case be won at trial. Simply stated, no prosecutor should bring a case if he or she does not believe that, based upon the facts in the law, it is clear that they will prevail at trial. Cases that are likely to be lost, cannot be brought simply to make a point, or to express a sense of moral outrage, however justified such a sense of outrage might be. You have to truly believe you will win the case.

I would respectfully suggest that the same principle should guide the House of Representatives as it determines, in effect, to make the decision as to whether to consider the case, of the president. Indeed, if anything, the strength of the evidence should be greater to justify impeachment, than to try a criminal case.

In the decision to prosecute, there are some specific considerations which are present when deciding whether such a case can be won, and which are generally un-heard of to bring a perjury prosecution based solely on the conflicting testimony of two people. The inherent problems in bringing a case to trial, extend to the extent that any credibility issues exist as to the government's sole witness.

Second, questions and answers are often imprecise, or used summarily to define terms, and interlocutors frequently asked compound or inarticulate questions, and fail to follow up answers. Witnesses often meander through an answer, wandering around a question, but never really answering it. In a perjury case, where the precise language of a sworn statement is examined, this makes perjury prosecutions difficult, because the prosecutor must establish that the witness understood the question, intended to answer, was asked to answer, and in fact did so. The problem of establishing such intentional falsity is compounded, in civil cases, by the reality that lawyers routinely give imprecise answers to questions, and often do so without intending to answer only the question asked, not to volunteer, and not to help out an inarticulate questioner.

Third, prosecutors often need to assess the veracity of an "I don't recall" answer. Like other answers, such a response can be true or false, but it is much harder to prove that it is false, when a witness truly remembered the fact at issue. The ability to do so, will often depend on the nature of that fact. Precise times of meetings, names of people one has met, and details of conversations, and sequences of events, indeed, even if those events are of fairly recent origin, are often difficult to remember. Forgetting a dramatic event, is however more difficult to justify.

The ability to win a trial is not however the only consideration guiding a decision to prosecute. Other factors reflected in the Justice Department guidelines include the nature of the offense, the impact of the perjury, and whether there has been restitution, deterrence, in the criminal history of the accused.

Before turning to the application of these principles to the facts at hand, I should say that in my work at the Watergate Special Prosecutor's office, I was involved in applying these principles to extraordinarily high profile cases. While we successfully prosecuted a number of matters, we also declined to proceed in a number of close cases. We did this, in part, because we believed, in our heart that a witness had deliberately lied under oath, or committed some other wrongful act, but simply concluded that we were not sufficiently sure that we would prevail at trial.

I will not turn to the issue of whether, from the perspective of a prosecutor, there exists a prosecutable case for perjury in front of the grand jury. The answer to me is clearly no. The president acknowledged to the grand jury the existence of an improper relationship with Monica Lewinsky. Indeed, there was a reciprocal nature to their relationship, and that the president touched her private parts, not to the intent of gratify her, and the president's denial that he did so.

Putting aside whether this is the type of difference of testimony which should justify an extra degree of certainty, I do not believe that a case involving this kind of conflict between two witnesses would be brought by a prosecutor, since it would not be won at trial.

A prosecutor would understand the problem created by the fact that both individuals were so incentivized to avoid acknowledging a false statement at his civil deposition, and Miss Lewinsky to avoid the demeaning nature of providing wholly unprecipitated sex. Indeed, this incentivized at the time contended in the independent counsel's referral.

Equally as important, however, Mr. Starr has himself questioned the veracity of his one witness, Miss Lewinsky, by questioning her testimony that his office suggested she take the oath. Indeed, Ms. Currie could have been a potential witness, and the president potentially the president. And in any trial, the independent counsel would also be arguing that key portions of Miss Lewinsky's testimony are false, including where she explicitly rejects the notion that she was asked to lie and that assistance in her job search was an inducement for Ms. Lewinsky to be honest.

It also was extraordinarily unlikely that in ordinary circumstances a prosecutor would bring a prosecution for perjury in the president's deposition, in this case. First, while one could always find isolated contrary examples, under the prosecution principles discussed above, perjury prosecution involving civil cases are rare. Indeed, the same would be even more unusual to see such a prosecution where the case had been disposed of, and the settlement occurred after disclosure of the purported false testimony.

Equally, perjury charges on peripheral issues are also uncommon. Perjury prosecutions are generally filed where the false statements go to the core of the matter in issue. Indeed, as I trail in a perjury prosecution, the prosecutor must establish not only that the testimony was false, but that the purported false testimony was material.

Here, the Jones case was about whether then-governor Clinton sought unwanted sexual favors from a state employee in Arkansas. Monica Lewinsky herself had nothing to do with the actual facts at issue in that suit. This deposition was about the J ones case. It was not part of a general investigation into the Monica Lewinsky affair, and that is important on the materiality issue. Given the lack of connection between these two events, unexplained by application of the prudence principles discussed above, his relationship with Monica Lewinsky is rare, and her purely consensual relationship with the president half a decade later would, I believe, not have even been admissible at any ultimate trial of the J ones case.

While the court allowed questioning in the civil deposition about this matter, the judge did not allow questioning about the relationship with Miss Lewinsky arose, the court considered this testimony sufficiently immaterial so as to preclude testimony about it at the impeachment trial.

Finally, the ability to prove the intentional making of false statements in the
December 19, 1998

CONGRESSIONAL RECORD – HOUSE

begin my formal remarks, let me extend my thanks to the following people who helped prepare me under these rushed circumstances: my brother, James Noble, who drafted the memorandum, my assistant, Russell Morris (sp), of NYU Law School is here with me today; my students in my evidence class, with whom I have spent the last two weeks talking about impeachment, beyond the impeachment of a witness. I have been trying to give them hypotheticals with which they could learn or from which they could learn. I told them I will be the best prop they will have today.

I am honored to appear before you today. I will discuss the factors ordinarily considered by federal prosecutors and federal agents in deciding whether to investigate, indict and prosecute allegations of violations of federal criminal law.

I submit that a federal prosecutor ordinarily would not prosecute a case against a private citizen based on the facts set forth in the Starr referral. My experience, which forms the basis of my testimony, is as follows: I have served as an assistant U.S. Attorney, a chief of staff and deputy assistant at the Attorney General in the Department of Justice, Criminal Division during the Reagan and Bush administrations, and undersecretary of the Treasury for enforcement in the Clinton administration. Currently, I am a professor at the New York University School of Law where I teach, as I said, a course in evidence.

When investigating a possible violation of law, every federal prosecutor must heed the guidelines of the Department of Justice. DOJ guidelines recognize that a criminal prosecution entails profound consequences and have been designed to minimize them. Consequently, whether or not a conviction ultimately results. Career federal prosecutors recognize that federal law enforcement resources and federal judicial resources are not sufficient to permit prosecution of every alleged offense over which federal jurisdiction exists. Federal prosecutors are told to consider the nature and seriousness of the offense and the availability of other resources. Often these resources are scarce and influence the decision to proceed or not to proceed and a decision how to proceed. Federal prosecutors must answer such questions as: whether the violation is technical or relatively inconsequential in nature, and what the public attitude is towards prosecution under the circumstances of the case. What will happen in the public confidence and the rule of law if no prosecution is brought, or if a prosecution results in an acquittal?
such a case, despite his or her negative as-
se ssment of the likelihood of a guilty ver-
dict, based on factors extraneous to an objec-
tive view of the law and facts, the prosecu-
tors must conclude that the evidence is in-
necessary and desirable to commence of rec-
ommend prosecution, and allow the criminal
process to operate in accordance with its pri-
mary goal.

During the civil rights era many prosecu-
tions were brought against people for locally
popular organizations. In my view, the biggest target would be politi-
cal publicity and thereby act as a deterrent. In
Do aggressive prosecutors and agents would
learn about the private, legal, sexual con-
nesses, install wiretaps and insert bugs to
assigning federal agents to interview wit-
tnesses. Federal prosecutors and federal agents as a
rule ought to stay out of the private sexual
lives of consenting adults. Neither federal prosecu-
tors nor federal investigators con-
sider it a priority to invest allegations of
perjury in connection with the lawful, extra-
marital, consensual, private sexual conduct
of citizens. In my view, this is a good thing.

As a general matter, federal prosecutors are not asked to bring federal criminal
charges against individuals who allegedly
perjure themselves in connection with civil
cases. In federal civil cases, federal agents on
their own do not seek to bring criminal charges against people who perjure them-
selves in connection with civil depositions,
which are not the subject of this debate. It has been argued that the deposition is con-
tilled, in addition, this would open a
floodgate of referrals. Parties by definition are biased, and it would be difficult to dis-
count the possibility of a bias.

By their nature, lawsuits have remedies built into the system. Lying litigants can be
exposed as such and lose their lawsuits. The
court can establish sanctions that exist in the best
position to receive evidence about false
statements, deceitful conduct, and even per-
jured testimony. She can sanction violating
litigants by initiating civil or criminal con-
tempt proceedings.

Notwithstanding the reasons generally,
there are 10 good reasons, taken in combina-
tion, which support the view that a career
federal prosecutor asked to investigate alle-
gations like those in the Clinton-Lewinsky
scandal, should never prosecute a federal
criminal case. It is in the best interest of the
courts, based on factors extraneous to an objec-
tive view of the law and facts, to avoid
investigating any one of these allegations?
The potential for abuse and violation of our
right to privacy would be great. Indeed,
assigning federal agents to interview wit-
tnesses, install wiretaps and insert bugs to
learn about the private, legal, sexual con-
duct of private citizens is a violation of our
Constitutional rights.

But aggressive prosecutors and agents would
do exactly that to make cases against those
citizens where prosecutions would garner pub-
lic notice. We have the greatest problem in
my view, the biggest target would be politi-
cians.
around the country, in various districts.

Prior to that, for five years I was the United States Attorney in Massachusetts.

And I became familiar, in the course of that, with the handbook, "The Principles of Federal Prosecution," and with the United States attorneys manual and, when I entered the Reagan administration, with the guidelines and procedures that also have been developed over the years to try to ensure uniformity in charging decisions.

It so happened, in 1974, for nine months, I also worked for this committee under Chairman Rodino on the impeachment inquiry into President Nixon. And I worked on the Watergate issue, which was charged with reading every precedent—in Britain (sp), in Heinz (sp), in Cannon (sp), in reported cases in the records of the 1970 debate on the Constitution—having anything to do with impropriety of any kind at all to what high crimes and misdemeanors means in the United States Constitution.

Like Mr. Sullivan, like many others, I do not consider myself an advocate here before you. I do have a couple of points of view that I would like to share with the members of the committee, and you can take them for what they're worth. Ordinarily, in a civil context, you don't qualify as an expert on the basis of someone else's experience, but for whatever they're worth.

I do believe, Mr. Chairman, that under the Reagan administration it was not the policy of the Department to bring indictments solely on the basis that a prospective defendant had committed adultery or fornication, which are not lawful, but it simply wasn't the policy to go there. It was also not the policy to seek an indictment based solely on evidence that a prospective defendant had falsely denied committing unlawful adulterous behavior.

And let me say a little bit about perjury cases. I don't think they're all that rare, and I've prosecuted a lot of them, but I do think that what one or two of the witnesses said is true; there's usually something else involved in a federal perjury prosecution. There's a pass-through aspect here—you're really going to something else. I once prosecuted a man who said that he was in Florida on November 28th and 29th, 1981. You may say, that's kind of, you know, stooping to pick up an apple. It's a prophylactic—prophylactic remedy, it is not punitive. If any of you are thinking, we've got to vote yes on impeachment to tarnish the president, he's already tarnished, and that's really not the purpose of the impeachment mechanism. Nobody's going to vote yes on that stuff. This is a man who's been elected president of the United States twice, and thus entitled to the dignity of the presidency.

I hate to open old wounds, but you remember back in 1992 and the Kennemer, the Flowers matter; if there are two people in a room and they both deny happening, they both happen, then you can't prove that it happened. Well, that's very similar to what we're talking about here, and this officer was elected president of the United States twice after all those facts were before the people.

So, I come out thinking that the most appropriate course of action, rather than removing this person from his office, taking his office away from him. There's a lot of talk about censure. I think, personally, the dignity of Congress and the dignity of the country demands something more than merely censure here, and I would suggest, in conclusion, Mr. Chairman, four things that you might want to think about, in addition to censure.

Number one, it's not unknown for grand juries investigating corruption in a city or a county to find out something that's not as important as the fact that there was proof as to what the perjury that took place. I assume also that the perjury, as I recall, went to the core issue in the matter in which the perjury took place. I assume also that you had certain important factual differences. I also think that there's an important difference when one is considering the issue of whether a judge versus the president; that judges, as others have testified, sit in terms of good behavior, and so the standard is not precisely the same as would be in removing a president who's elected by the public and sits for only four years.

And finally, I think that in terms of perjury, I do think that there is a little bit about what the underlying events are. And I do think that since what we're talking about is a private consensual relationship as being the reason for his impeachment, it's entirely within his impeachability. But the bottom line is, as I said in my statement, I don't think there's really the proof, particularly as to grand jury proceedings.

Rep. SENSENBRENNER. Well, just by way of background, the events that led up to the judge Nixon impeachment, which is considered the President Nixon impeachment—you've got to be very particular here—involved a private affair, a financial affair, where Judge Nixon allegedly accepted in a transaction of a sweetheart deal in an oil and gas lease. He was acquitted of that charge by the jury at a criminal trial.
So here we're saying that the jury made a determination that Judge Nixon did nothing wrong in terms of entering into this oil and gas lease, but he was convicted by the jury of the two perjury cases. So while there are some differences, there are also some similarities in that private misconduct was alleged as a part of the grand jury testimony. I am concerned with the answers to your question, in that you seem to be implying that the standard of truthfulness for the president of the United States is less than the standard of truthfulness if a judge were impeached. And that's because the president lied before the grand jury, then there is the standard of truthfulness, but there are differences in the standard of truthfulness before a judge as opposed to the president. And I think there's a lot of scholarship (for that?).

Now, this question has come up. I think I have looked at it, and that's who those 115 people are, and what is this? This is really the same. I'm saying that here I don't think there's the proof, particularly as to the grand jury, that you can make the case of perjury. And second, what I'm saying is that the standard for impeachment, not the standard for truthfulness, but there are differences in the standard of impeachment for a judge as opposed to the president. And I think there's a lot of scholarship (for that?).

Rep. SENSENBRENNER. Okay, thank you. I yield back my time.

Rep. HYDE. The gentleman from Michigan, Mr. Conyers.

Rep. CONYERS. Gentlemen, I want to pay my respects to all of my witnesses, because you have now put on the record, once and for all, all of these pestering questions that have been tempting to be dealt with in the press, whether in books, and more now. You should, Ron, feel proud to go back to your evidence class. You can hold your head high. And I thank you all.

Now, the important thing about this was that, unless I missed something, none of you contradicted each other—nobody. And it seems to me that this testimony of you five gentlemen ought to be bound up and delivered, which I would elect to do. I need Pat Buchanan to get a copy of this, Tim Russert, Cooke, and others. George Will, Sam Donaldson, and Ms. Buchanan, Pat's sister, not because they object to all of this, but because they are the ones that in the media continue—with many others, of course—this nonsensical debate about obvious legal questions that a first-year law student could dispose of. And so what you've done here is of significant importance, from my point of view. This should be studied carefully by everybody that makes public utterances about the question of perjury and obstruction and how and when materiality figures into the prosecutorial role.

Now, this question has come up. I think I called it the Scott question. Is there any case in which it was dismissed? It was an immaterial statement. There was a settlement to boot. I mean, we are going through everything—has anybody ever heard of a case like this? We need the citation for that, because I will stop making this assertion.

Mr. SULLIVAN. Mr. Conyers.

Rep. CONYERS. Thank you. Mr. Davis, Mr. Noble, Governor, any other comments on this, this matter?

Mr. DENNIS. Well, I agree. I mean, I do not disagree with the statements that have been made by my colleagues here on the panel. I have not considered the suggestions that Governor Weld had made with regard to possibilities on this matter. But I think that it's fairly clear and that if a poll were taken of former U.S. attorneys from any administration, you'd probably find the overwhelming number of them would agree with the assessment that this case is a loser and just would not be sustained in court.

Rep. HYDE. Thank you, Mr. Conyers.

Mr. SULLIVAN. Mr. Noble, Governor, any other comments on this matter?

Mr. Sullivan, you raised and, I think, Mr. Davis, you raised in particular, about perjury. What do you think about the perjury charged, and it's the same underlying main issue in the deposition. You have a situation in which the President of the United States says that he did not commit or have sexual relations with Monica Lewinsky under the definition as given in the Starr Report. Mr. Sullivan, have you had an opportunity to review the District of Columbia Circuit Court of Appeals decision regarding the question of materiality and the issue before us, you know, and the facts of the independent counsel and Lewinsky?

Mr. SULLIVAN. I have read about it in the斯塔特. I don't think I read the opinion of—

Rep. MCCOLLUM. Well, it's—the decision is just unsealed and available to us in the last week.

Mr. SULLIVAN. That's why I have not.

Rep. MCCOLLUM. And you may not be aware—right of Appellate opinion squarely addressed that issue of materiality, and it found that her false sworn statement would be material for the purpose of perjury. The perjury statement by the President in that case would have been material. So I think we can put that materiality question to rest that Mr. Conyers just raised.

I also want to make a comment to you, Governor Weld. You said that "I do not believe that adultery, forgery, or false declaration constitutes the essential element of a perjury case—high crimes and misdemeanors within the meaning of the impeachment clause of the Constitution of the United States." I agree with you on that. But in this case, we're not dealing simply with false statements or forgery or adultery, we're dealing with potentially perjury, obstruction of justice, witness tampering, which is more than the first-year law student would probably dispose of.

Mr. SULLIVAN. Thank you. Mr. McComb, if I—

Rep. MCCOLLUM. So it strikes me as very strange that we're dismissing this. Nobody, nobody on this panel and nobody yesterday has assigned the fact that Prosecuting Witnesses exist. It seems to be something that the president's advocates simply agree that it's impeachable, and if the president lied before the grand jury, then there is the standard of truthfulness, but there are differences in the standard of impeachment for a judge as opposed to the president. And I think there's a lot of scholarship (for that?).

Now, it seems to me that that kind of corroboration is precisely the kind of corroboration that would in fact engender a prosecution, would give confidence to a prosecutor to take perjury cases forward, and would indeed give a high probability of conviction if this were taken before a court in any court in this land. A jury would be hard pressed not to convict under those circumstances.

Mr. SULLIVAN. Mr. McComb, if I—

Rep. MCCOLLUM. Mr. Mccollum, you and Mr. Davis and several others on the panel pointed out how rare you think it for perjury cases to be brought in federal court in civil cases, and yet we have the Mrs. Mary—Barbara Pierce Bush who should say, in here last week as a witness, a very recent case in which a perjury case was brought in a civil suit involving the Veteran's Administration. So the administration on August 4, 1998, a former employee of the United States Postal Service, Diane Parker (sp), was sentenced to 13 months in prison for eight years of supervised release for lying in a civil case regarding a sexual relationship with a subordinate. And that, of course, was a federal case. And I've got citation for 20 of these cases. And I've got the cases that we—that we're seeing more of today than maybe we did back in 10 or 15 years ago.

Now, I also want to address the question that Mr. Sullivan, you raised and, I think, Mr. Davis, you raised in particular, about perjury. But in this case, we're not dealing with that materiality question to rest that Mr. Conyers just raised. It was an immaterial statement. There was a settlement to boot. I mean, we are going through everything—has anybody ever heard of a case like this? We need the citation for that, because I will stop making this assertion.
want to ignore. It's a bottom-line question in here, Mr. Davis.

Mr. Davis. I think I did address the—Rep. SENSENBRENNER. Gentlemen's time has expired.

Rep. NADLER. Mr. Chairman. Mr. Chairman.

Rep. SENSENBRENNER. The gentleman from Massachusetts is recognized.

Rep. NADLER. Mr. Chairman, the question that Mr. McCollum just asked the witness is perhaps that central question of this case.

Rep. NADLER. And I'd ask you to give them time.

Rep. FRANK. I was just about to do that.

Rep. SENSENBRENNER. The—wielding with which to mean to that, that's going to be—we're going to be here until midnight. The chair will enforce the clock and the rules that were laid down by Mr. Hyde at the beginning of this hearing. If further members down the list want to have questions, they can decide to use their time to do that.

The gentleman from Massachusetts is recognized.

Rep. FRANK. Anybody want to answer that question?

Mr. Davis. Yes. I'd like to answer that. I think the reasons why that prosecution would lose is one, as I said in my statement, that both witnesses, including Miss Lewinsky, had an incentive to lie. And she had an incentive to lie not only to the grand jury but to her confidants, because otherwise she would be acknowledging an unreciprocated sexual relationship.

But just as important, if you're talking about one witness that Mr. Starr or any prosecutor is going to put forward, Mr. Starr and his prosecutors themselves are going to have to argue in this case that Miss Lewinsky's testimony in other issues is not accurate. They're going to have to argue that they're going to be in a position where they're going to have to say she's telling the truth on this, not telling the truth as to other things.

Also, Miss Lewinsky in her testimony various times said she had a similar definition of sex.

So I think that if you look at this from the perspective of a trial lawyer, in terms of how this would play out, I think this would be a really impossible case to develop.

Rep. FRANK. Mr. David, you've convinced me. We'll go on to the next issue. I think we'll go on to the next issue. I think the underlying conduct is important.

And that's another way of saying what Mr. Davis, Mr. Noble, others have said, that there's a test of substantiality—Mr. Davis said it, well—in assessing the totality of circumstances in making a charging decision whether to go forward in a perjury case and it's really more substantiality than materiality that I think might be the rock you run up against.

Rep. FRANK. Thank you, Mr. Weld.

Let me just say in closing, there's a point I wanted to make, and I was particularly grateful to the former governor of my state for making it, that man who understands the broader democratic, with a small "d," implicatures here. He made a very important point when he acknowledged the president had been tarnished. But Clinton is a man who clearly thinks a lot about how he is going to be regarded, and the argument that somehow he will go walking away unpunished if he is censured and has had this and other proceedings, I think, is very inaccurate, and I appreciate Mr. Weld bringing that out.

Rep. SENSENBRENNER. The gentleman's time has expired.

The gentleman from Pennsylvania, Mr. George.

Rep. GEORGE GEKAS (R-PA). I thank the gentleman from Massachusetts.

Mr. Sullivan, you had repeated today what we have heard in different ways over the months of this controversy, that the president is neither above the law nor below the law. I apply in my belief, on your part hard for me to articulate it, but suppose the ordinary citizen in the course of his own career had pleaded Regularly across the land and we never got results from that kind of case. But if the president of the United States had pleaded the Fifth Amendment, you would agree that there would have been headlines across the world and that there would have been a shaken seat of government in Washington, D.C. Or don't you think that the result of such a plea would result in a great deal of publicity, probably adverse.

I don't think that it changes the issue of whether he's above or below the law.

Rep. GEKAS. No, no, no. No, I'm saying that it—

Mr. SULLIVAN. The gentleman from Pennsylvania, Mr. George Gekas, you had repeated today what we have heard in different ways over the months of this controversy, that the president is neither above the law nor below the law. I apply in my belief, on your part, that it would result in a great deal of publicity, probably adverse.

I don't think that it changes the issue of whether he's above or below the law.
rights, the constitutional rights of a fellow American citizen who has instituted a case in which he, if he did those falsehoods, was trying to destroy that individual's right to pursue an attack, and those arguments, while fair on proportion, do we not, Governor?

system? We have to take that into consider-

as an attack on the delicate balance of separation by directly giving false statements against our system.

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rights, the constitutional rights of a fellow American citizen who has instituted a case in which he, if he did those falsehoods, was trying to destroy that individual's right to pursue an attack, and those arguments, while fair on proportion, do we not, Governor?

system? We have to take that into consider-

as an attack on the delicate balance of separation by directly giving false statements against our system.
media is more focused now, I think probably that you would see more and more average citizens prosecuted for perjury. But I'll be glad to hear from you in response to that.

Mr. Sullivan. I have the distinct impression that there are some few prosecutions for perjury arising out of civil matters which... Yeah.

Mr. Coble. Mr. Sullivan, I hate to do it to you, but I see time's up.

Rep. SENSENIBRGER. Time's up.


Rep. SENSENIBRGER. The gentleman from California, Mr. Berman.

Rep. HOWARD BERMAN (D-CA). Thank you, Mr. Coble.

Actually, the question I'm most curious about is whether, Mr. Davis, if there had been a cooling-off period, and if President Ford would have pardoned the pardon, what do you think Mr. J. aworski would have done?

Mr. Davis. The answer is I don't know. Indeed, the reason that in my memorandum I recommended a cooling-off period and felt that we should defer that decision was because I thought the emotions at the time were too high and one would have to balance the factors very carefully including, as I said in my statement, whether the public interest in saying, you know, 'we've had two years of this we need to get on to something else, and should we let it drag on' and that a prosecution would drag that out.

Rep. Berman. Well, I agree with the other comments. This panel has presented some very compelling testimony on all the pitfalls in pursuing a perjury prosecution in this situation and raised doubts whether all the elements of perjury are present in this case. We're not a courtroom; some people want keeping to analogize us to that. I thought the professors yesterday were a political body, and this is a political process in many, many ways. The Founding Fathers would have given this process to the Supreme Court if they had wanted a strict legal analysis.

So your testimony perhaps on the question of whether there would be a prosecution for perjury is less relevant to whether there are high crimes and misdemeanors here than it is to the question of whether one of the articles of impeachment should actually assert the conclusion, the legal conclusion, that perjury would be a sufficient basis for conviction. I hope the framers of these articles would look at this testimony carefully in making that decision.

The point that does interest me—for those who want to analogize it to a legal proceeding, this notion of—even if I think, as a prosecutor, that I have probable cause and I believe that the accused is guilty, that if I know I can't get a conviction from an unbiased jury, I don't bring the case. Develop that a little bit more. Is this some formalized process that prosecutors use? Where did you get this from?

Mr. Sullivan. Mr. Berman, I can only speak for my experience as a prosecutor, but I have had situations where my assistants, but agents, have said to me after a particular deposition or interview that a prosecutor would drag that out.

Rep. Frank. Mr. Coble, is this a—is this some legal process that prosecutors use?

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I would like the opinion of these witnesses with regard to whether or not that is an accurate statement of the jurisdiction and nature of that case. Does she have the jurisdiction to do that? And based on your very extensive experience with regard to criminal proceedings, do you have a feeling as to whether there's a probability or likelihood, or how would you rate the chances that if she deems that misconduct occurred there that she might be led to take these concerns seriously? That might be the more probable way in which some sanction occurs, as opposed to a criminal prosecution. So who would like to answer? I'll ask you first, Mr. Sullivan.

Mr. Sullivan. There is, under the United States Supreme Court decisions, inherent power in the district court in civil cases to impose sanctions for misconduct occurring before the court. So there's no question about that. That case was decided several years ago.

Your second part was, what would happen if she were to do this? Not having brought my crystal ball with me, I can't tell you. But she did not ask to pursue that. That far as I know, I do not know whether the dismissal of the case terminates that power. That's an issue I really haven't looked at.

Rep. Gallelly. Did you have a choice? I could have asked the witnesses if anyone else have a comment on that issue? Let me ask this additional question. Mr. Noble, I was very interested in your saying that this Congress should consider, when deciding whether or not to vote articles of impeachment, the effect that the House voting articles of impeachment and the Senate being put to trial would have on the further possibility that would occur, the diversion of the President and the Congress from their real responsibility, which is attending to our national agenda, the potential immobilization of the Supreme Court while the chief justice presides, the lowering of the standard of impeachment in proceedings in future years.

I am concerned that, in fact, some members of this Congress, not fully having considered those effects, may have decided to apply a lower standard to determining whether the President should be impeached. I'd appreciate your considering whether or not to vote articles of impeachment, the effect that the House voting articles of impeachment and the Senate being put to trial would have on the further possibility that would occur, the diversion of the President and the Congress from their real responsibility, which is attending to our national agenda, the potential immobilization of the Supreme Court while the chief justice presides, the lowering of the standard of impeachment in proceedings in future years.

Mr. Noble. This follows on Mr. Smith's comments. It's clear that before the public the President is not an ordinary citizen. It's clear that before Congress the President is not an ordinary citizen. It's clear that any rational criminal investigator or federal agent investigating an allegation of perjury by a president of the United States is not going to do the ordinary things. It's clear, based on everything we've heard, that most of us believe, without looking at specific evidence, that the President either did perjury or perjury by torture of the truth.

Rep. Hyde. The gentleman's time has expired. Do you have a finishing sentence or two?

Mr. Noble. I can do it in one minute—or I'll just wait. I'll wait.


Mr. Noble. Thank you, Mr. Chairman. Thank you.

Rep. Hyde. Thank you. The gentleman from California, Mr. Gallelly.

Rep. Elton Gallelly (R-CA). Thank you, Mr. Chairman. Thank you. I'm going to be here this morning. Mr. Sullivan, for the record, do you believe that the knowing and willful misleading of a judge or federal grand jury represents an effort to thwart the judicial system from discovering the truth?

Mr. Sullivan. Could you repeat the question, please?

Rep. Gallelly. Do you believe that willful misleading of a judge or federal grand jury represents an effort to thwart the judicial system from discovering the truth, for the record?

Mr. Sullivan. It sounds like what you said is correct, if I understand you correctly. [Laughs] Thank you. You know, the evidence indicates that the President and Mrs. Lewinsky, or Ms. Lewinsky, had three conversations about satisfying her in the Jones case within one month before his deposition. When the President was asked, "Have you ever talked to Ms. Lewinsky about your ability that she might be asked to testify in this lawsuit?" he answered, "I'm not sure." Governor Weld, do you think it's reasonable— you know the president pretty well—to believe that the President completely forgot about these three conversations?

Mr. Weld. I really don't know, Mr. Congresswoman.

Rep. Gallelly. Thank you, Governor. When the president was asked, "At any time, were you and Monica Lewinsky together after the deposition to discuss that?" he answered, "I don't recall." The evidence indicates that he was, in fact, alone with Ms. Lewinsky on many occasions, including the time that they were having their 20th anniversary before the deposition. Mr. Sullivan, for this not to be perjury, the President must have genuinely forgotten his numerous encounters with Ms. Lewinsky. Is that correct for it not to be perjury?

Mr. Sullivan. Yes, the evidence in a perjury case requires proof beyond a reasonable doubt that the President made a false statement but knew it was false at the time it was made. That's correct.

Rep. Gallelly. And if—and the test would be that he genuinely forgot in order for that not to be perjury. Is that correct?

Mr. Sullivan. That's my understanding.

Rep. Gallelly. Thank you very much, Mr. Sullivan. You know, the president's action of being less than truthful has caused and continues to cause serious problems. I'm concerned about what the defect in the ability of the American people to trust the highest elected official in the land.

One of my constituents came to me yesterday. Do you recall the case of Les Savage (sp)? I've never met this gentleman before. But his question was very sincere. How do we know when the president is telling the truth? And maybe even more importantly, how do the leaders of other countries around the world know when he's telling the truth? President Clinton has had many occasions to correct the public and yet he hasn't done it. The President's failure to present any substantive evidence is consistent with his obvious lack of concern about how serious the offense of perjury is when truth truly is. Mr. Chairman, I yield back.


Rep. Jerrold Nadler (D-NY). Thank you, Mr. Chairman. Before my five minutes begin, I have a parliamentary inquiry.


Rep. Nadler. Thank you, Mr. Chairman. A couple of weeks ago, when Mr. Starr was here, in answer to a question I asked, he referred to a court case that was under seal, and I was not able to characterize his—I felt myself unable to characterize the accuracy of his statement about that case lest I be accused of pre-judging myself.

A few moments ago, Mr. McCollum referred to the same court case, which is no longer under seal, but which is within the possession of this committee in executive session. Would I be violating the confidentiality rule if I were to state that Mr. McCollum did not find in the record that the court did not conclude that the president's testimony about Lewinsky was material to the jones litigation and rather found the absence of Monica Lewinsky's affidavit was material enough to her motion to quash her subpoena in that case to justify the OIC's issuance of the jury subpoena to her lawyer and they found and that the court did not conclude that the president's testimony about Lewinsky was material to the Jones litigation and rather found that this is a distinct issue from whether the president's testimony in the Jones deposition was material to that case? And if I were permitted to quote Mr. McCollum permitted to quote this case? Rep. Hyde. You will be provided with a copy of the opinion.

Rep. Nadler. But am I permitted to state this?

Rep. Hyde. Well, I'd ask you to read the opinion before you make any statements. I'm told you have mischaracterized Mr. McCollum's characterization.

Rep. Nadler. Well, whether I've mischaracterized it or characterized it, since that is—


Rep. Nadler. Thank you. Then I will simply—

Rep. Hyde. But I'm suggesting that you'll get a copy of the opinion very shortly, and I'm suggesting you read it before you make statements about it. But that's up to you. All right, now your five minutes starts.

Rep. Nadler. Thank you, Mr. Chairman. Mr. Chairman, I should note that I have written to the attorney general asking that he be disciplined for mischaracterizing the confidentiality of that case when he mischaracterized it two or three weeks ago. Let me ask Mr. Davis, I think, starting off. You could very carefully and clearly in your testimony that you really—no prosecutor would prosecute a perjury case on the basis of the evidence that we have before us from the refuses to release the records—that it's not likely that a jury would convict, that there is no real perjury case there.

You said that, for example, that you wouldn't bring a prosecution of perjury based on two conflicting statements of two witnesses, one of whom disagrees with the other. You said that that statement that Mr. Starr cites for Monica Lewinsky's testimony is not corroborated at all, because that she told 10 or 11 friends of hers and related the same thing and that is not corroboration at all, because to embellish or falsify the statement. And, in fact, I think law school tells us that such a statement would be inadmissible in a court as hearsay in prior consistent statements in any event.

I would simply—first of all, do I characterize your testimony correctly?

Mr. Davis. Generally, yes.

Rep. Nadler. Okay. Thank you. Secondly, some people on the other side here, have talked about the prosecuteability of false statements, not only for perjury, but for a lesser crime, that if perjury isn't a high crime and misdemeanor and a great offense threatening the safety of the republic, that maybe false statements under oath are.

Would the same or similar constraints prevent a successful prosecution under these circumstances, with the presence of false statements under oath, as would prevent a successful prosecution for perjury?

Mr. Davis. Yes. I mean, the false statement under oath section of the U.S. Code really—

Rep. Nadler. Could you speak up, please? You know, the false statement under oath section of the U.S. Code really—
prosecutorial judgment would come into play in which you’d have to assess can you win the case, and for the reasons that I articulated before, it seems to me that with the one-on-one testimony, and as I said, the fact that Mr. Starr would have to disassociate himself, and criticize Ms. Lewinsky’s testimony, and say that it’s not true in various respects, make such a prosecution, in my view, doomed to failure.

Rep. NADLER. For false statements under oath as well as for perjury.

Mr. DAVIS. That is correct.

Rep. NADLER. All right. So there would be no successful prosecutions for false statements under oath, and again, to return to the point Ms. Lewinsky is a weak witness because the Special Prosecutor would have to point out that she lied under oath at some other place. Mr. NADLER. In a grand jury context, that’s really the core perjury.

Rep. NADLER. And it’s further weakened by the fact that the alleged corroboration witnesses would be inadmissible in any court as hearsay.

Mr. DAVIS. Well, they would probably be, you know, inadmissible. There may be some argument that they could come in at that point, depending upon cross-examination. But the point is, whatever motive she had to falsely testify in the grand jury on this—

Rep. NADLER. Motive?

Mr. DAVIS [continuing]. The same motive would exist.

Rep. NADLER. So in other words, if I want to falsify my statement, or have a fantasy, or lie, the fact that I lied to 12 people, doesn’t make it any less of a lie than if I lied only to one person.

Rep. NADLER. And—yes, Mr. Noble.

Mr. NOBLE. Yes, I can talk about that for just a moment, I think it’s very important. A good prosecutor is going to try this case with the defense theory in mind. And the defense theory is going to be: can I prove that the president did what she said the president did? She’s going to be impeached for every prior inconsistent statement she has. But the person’s not going to cross-examine her, and make it seem as though her testimony was recently fabricated. Because that way, she can bring in every prior statement.

All of us ought to worry about someone lying under oath, lie and cross-examine people and having that come in as admissible evidence, making what we lied about the first time was true, if the motive to lie began in the very beginning.

So, for that reason, a smart—

Rep. NADLER. Her motive did begin at the very beginning.

Mr. NOBLE. And her motive arguably did begin at the beginning.

Rep. NADLER. And that applies to false statements under oath, as well as for perjury.

Rep. SULLIVAN. That applies to false statements under oath, as well as perjury. I tried a case, a false statement case, I convicted it at the jury level, was reversed on appeal because it was an alter ego defense, the same defense that—

Rep. NADLER. Thank you. I have one further question, if I can quickly get it in. Mr. Smaltz, the special prosecutor in the Eşpi case, said that an indictment is as much a relevant consideration in the grand jury; it simply would not have been given serious consideration for prosecution in the Senate. I will have to say that it’s a very difficult thing to count noses in the Senate, and in a proceeding like this, it’s hard to predict the outcome. But aside from that, I just don’t think that’s a proper undertaking for us to be involved in. I would also propose that the very structure of the Constitution indicates that in the Constitution, the framers provided that the House could impeach with a simple majority. They provided that conviction in the Senate would have to be by a two-thirds majority.

Now, I would suggest to you that that structural feature of the Constitution suggests that the framers would have contemplated circumstances in which the House might very well impeach, but the Senate would be so obvious that the very structure of the Constitution indicates that in the Constitution, the framers provided that the House could impeach with a simple majority. They provided that conviction in the Senate would have to be by a two-thirds majority.

But on this issue of prosecutorial discretion, let me pose a scenario here, which I think is very analogous to what we have before us. Suppose the chief executive of a Fortune 500 corporation, a major national corporation who was accused of sexual harassment or any other civil rights offense. And in the course of the discovery in that case, the chief executive of that major national corporation lied under oath to impeach action.

Now, I believe that the fact that the chief executive of a major national corporation was engaged in that type of conduct, would be a relevant consideration for the prosecutors who were evaluating the case and whether to bring it, because of the impact of that conduct.

Now, I do believe that bringing prosecutions have a deterrent impact. And that is one of the considerations that has to be factored into the equation.

So, I think if we step back from this situation—and again, we can argue about the weight of the facts, and I understand you disagree, I think if we step back from this situation, you have made about the weight of the facts here. But if the president of the United States did engage in obstruction of justice, and committed multiple acts of lying under oath, I think that we have to look at that conduct, in light of the consequences that it has on the business interests of that corporation, and ask whether we would look at the conduct of the chief executive of a major national corporation who was the defendant in a civil rights case brought against that corporation.

So, I think that’s something to look at. There’s really not time for you to respond. But if you disagree, that that sort of high-profile case, has to be evaluated in light of those circumstances?

Mr. DENNIS. I think there’s one point on this, Mr. Chairman, the analogy that I think if you were looking at the—a president of a Fortune 500 corporation, you’d be talking about a suit that was brought by, perhaps, someone prior to them taking that position and—

Rep. CANADY. Oh, no! No, no, absolutely not. He could have been guilty of that in the very beginning of his conduct as chief executive. But thank you.

Mr. DENNIS. Well, I think that the issue of impeachable acts, depends upon the President, and to what extent,

Rep. NADLER. And how long he’s been president, and how long he’s been president.

Mr. DENNIS. How long the President was in office, and the impact of—

Rep. NADLER. And how long he’s been president, and the impact of—

Mr. DENNIS. I think the one thing that we have to agree on is that the J ones matter was something prior to the president becoming president of the United States. We would disagree on, and I think, Mr. Davis, on the issues of how the president deals with subordinates in that respect. And I think that that really makes a huge difference in terms of how that person show is perceived insofar as these kinds of charges.

Rep. CANADY. Thank you.

Rep. HYDE. The gentleman’s time has expired.

The gentleman from Virginia, Mr. Scott.

Rep. ROBERT SCOTT (D–VA). Thank you, Mr. Chairman.

Mr. SULLIVAN, in your prepared testimony you said that no serious consideration would be given to a criminal prosecution rising from an alleged misconduct and discovery in the J ones civil case, having to do with alleged cover-up of a sexual affair with another woman, or the follow-up testimony before the grand jury. It simply would not have been given serious consideration for prosecution. It wouldn’t get in the door. It would be deemed out of bounds.

Are you aware that we are not straight as of now as to all of the allegations, specific allegations of perjury, that even yesterday the gentleman from Arkansas specified in a different statement that he believed to be perjurious? ABC News said that the Republican—on December 7th said the Republican—what they might shy away from new charges from the grand jury. Is it fair to have an accused respond to a perjury charge without stating with specificity what the statement was that was false?

Mr. SULLIVAN. No.

Rep. SCOTT. Thank you, Mr. Noble, in fact-finding, is that there is a problem using conflicting grand jury testimony, copies of FBI interview sheets, and prior consistent statements in order to make a case against an accused?

Mr. NOBLE. I believe there’s a problem using only those bases for making prosecutorial decisions, yes.

Rep. SCOTT. Anyly is conflicting grand jury testimony and copies of FBI interview sheets inherently unreliable as testimony?

Mr. NOBLE. Because their use is based on the theory that the testimony of someone, under oath, in front of the finder of fact, subject to cross-examination, and in a grand jury that doesn’t exist.

For that reason, prosecutors, at the very least, interview the principle witnesses themselves; try to test that witness as much as possible in terms of whether or not he or she can withstand cross examination. Otherwise, you just have hearsay.
Rep. SCOTT. And because of that unreliability, is it—you can't make a case just using grand jury testimony to make a case against someone?

Mr. Davis. When addressing this with all due respect: only a foolish or inexperienced prosecutor would attempt to indict and convict someone based on hearsay grand jury testimony.

Rep. Hyde. Mr. Davis, in your testimony, on page 13 of your prepared testimony, right at the top—you didn't have time to go over the specifics of why the obstruction of justice case could not be made. Could you start at the top of page 13? I assume you have—where it says, "But there are—"

Mr. Davis. Yes. Another complicating factor in the obstruction of justice case which makes this such a difficult case to bring is the recollection of the principle players in this drama, the president, Miss Lewinsky, and Ms. Currie, had relationships and motivations to act, wholly unrelated to the Jones case. This kind of thing would seriously complicate the ability of a prosecutor to establish the intent to obstruct some official proceeding, which is required to prevail in an obstruction of justice case.

Examples: The job search began before Miss Lewinsky was on the witness list, and frankly, there's nothing surprising that someone with an illicit relationship with a woman would, when it was over, be willing and want to help her to get a job in another city. Mr. Craig, in his relationship with Miss Lewinsky, People who have an illicit relationship often understand that they will lie about it without regard to the existence of a litigation and here it appears that such an understanding was discussed prior to Miss Lewinsky being identified as a potential witness.

I believe, you know, about retrieval of the gifts is contradictory, with Ms. Currie and the president offering versions of the events which exculpate the president and which differs from Miss Lewinsky's testimony, and Miss Lewinsky herself provided varying and sometimes exculpatory interpretations of these very events in terms of her testimony.

These are the kinds of things that make winning a case—and I do think when you're talking about winning a case—and I do think when you're talking about winning a case—whether you believe that she ever would be, and that the obstruction of justice case could not be a fact in that case?

Rep. Inglis. Would anything that anyone else has said here this morning be admitted as a fact in that case?

Mr. Craig. Absolutely not.

Rep. Inglis. I'm keeping score, Mr. Chairman, as you know. So this makes panel 4, Mr. Craig, the fourth panel—no facts. And Mr. Craig said yesterday to us, "In the course of our presentation today"—that was yesterday—"and tomorrow"—that's today—"we will address the factual"—ununderlined—"and the legal at the same time." The score now is zero to four; zero panels, zero witnesses dealing with facts. Everybody that we've heard from in these four panels has given legal opinions. Not a single person has presented a fact.

Mr. Sullivan, would a memorandum of law be considered a fact in trial?

Mr. Sullivan. Not unless the—normally no, if the issue arose out of that. But no.

Rep. Inglis. Right. Unless the memorandum of law itself was an issue. Then it could be a fact, correct?

Mr. Sullivan, Right. Right. Rep. Inglis. The large document—it really, I think, can only be described as a memorandum of law, possibly a brief—contains no facts—no facts in the case before us.

Mr. Sullivan. It's similar to the Starr report in that regard. They're about equal. [Laughter.] I mean, they do deal with the facts, but there are no witnesses that you've heard to testify directly about the facts, whereas in a trial the people would have to appear and give their testimony personally.


Mr. Sullivan. Well, of course, the difference, would you agree, would be that in a trial, is that the Starr report is based on sworn testimony gathered by an independent counsel, which are the same facts that I guess are discussed here. It's just that there you have a direct quotation of those facts and a summary of those facts. Is that correct?

Mr. Sullivan. Yes. And I think that the White House position, although I have not read all of it, I've read part of it—the part I read did deal in great detail with a great many of the facts, including a lot of the facts that are not highlighted in the Starr report.

Rep. Inglis. Right. But none of those are facts in a case, and the point that I'm making is that, again, Mr. Craig yesterday made a very high bar for him to get over.

And the thing that I find wonderful about these proceedings is that for—the really, it's a rare opportunity to bring accountability to the White House. If this is more than what happens, I think, with the spin machine is the reporters get worn down. They get tired of trying to pursue it, so they just accept it. But here we are, and we are here.

Yesterday Mr. Craig said that in the course of the presentation, we will address the factual evidentiary issues directly. The score is zero to four. Starr, Ms. Craig, have addressed facts. All of them are doing what the other panels have done in times past. In other words, here again, very helpful discussion—I appreciate the time of all these witnesses, but there's nothing new here, no new facts, no new evidentiary issues that are addressed here. If we do have the president was—had personally instructed you not to obscure the simple moral truth, there is a more of the legal technicalities that are so maddening in what the president has to say to us. That's what the 384 pages is.


The gentleman from North Carolina, Mr. Watt.

Rep. Melvin Watt (D-NC). Thank you, Mr. Chairman.

We got a 445-page referral from independent Counsel Starr. Is there any provision in that 445 pages that in that form would be admitted in a criminal case.

Mr. Sullivan. No.

Rep. Watt. Thank you. I suppose that what Mr. Inglis is talking about is the same thing that we've been talking about all along. We keep waiting on some facts to be developed here, and without that, the score remains zero to zero. I take it, with the presumption of innocence being in favor of the president.

Mr. Craig, you had a response?

Mr. Noble. Yes. I would like to respond to the previous congressmen's comments.

Rep. Inglis. Before you do, Mr. Noble—Mr. Noble. But the direct response to your comment, and that is, if it was a trial and the prosecution presented no admissible evidence, zero, not guilty, there would be no defense case.


Okay. Now that brings me to the point that I wanted to make, because I got a call from—everybody seems to be getting calls from constituents; I got mine last week from a constituent who started out by saying that the president was engaging in a legal attempt to distinguish what he had said in some way. And I reminded the caller that this in fact is a legal proceeding that we are involved in. Is there anybody on this panel that disagrees with that? (No audible response.) Okay.

So the standards that are applicable in a legal proceeding, Mr. Sullivan, you referred to that on the first page of your testimony you said, "The topic of my testimony is the Starr report. Now, you can draw whatever conclusion, although I have not read all of it, I've read part of it—the part I read did deal in great detail with a great many of the facts, including a lot of the facts that are not highlighted in the Starr report." I take it that you are equating the panel to responsible federal prosecutors and what you're saying, I guess—I take it from your testimony this morning, is if a responsible federal prosecutor wouldn't prosecute this case, then we might not be moving it on to the Senate—or to the House floor.

Is that—is that the essence of where you come down?

Mr. Sullivan. I am not sure I would presume on the—that issue of what your responsibility is. I'm only saying that since your judgment here is high crimes and misdeemors—that's the test—in my opinion, a responsible federal prosecutor would not bring a case based on these charges in the Starr report. Now, you can draw whatever conclusion you wish politically from that conclusion.
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my best advice would be that there’s a lesson to be learned from the Justice Department. The parallels are quite striking. In the Justice Department, before bringing a criminal prosecution, it is very rare to remove any challenge. However, before getting a conviction, you need proof beyond a reasonable doubt.

Here, in order for it to get voted out of this House, you have to have a majority. However, in order for a conviction to occur, you need two-thirds of the Senate. I believe you ought to look and think about what a rational, fair-minded person would do, how he or she would vote. If you conclude they would not convict, think about the precedent you would have set if after two, three, four, five, six, seven, eight, nine, and no convictions. You would not restore public confidence; if anything, you will have started to undermine public confidence in the impeachment process.

Rep. HYDE. The gentleman’s time has expired.

The gentleman from Virginia, Mr. Goodlatte.

Rep. ROBERT GOODLATTE (R-VA). Thank you, Mr. Chairman.

Rep. HYDE. Mr. Goodlatte, would you yield to me for just a question?

Rep. GOODLATTE. Sure.

Rep. HYDE. Maybe, Mr. Sullivan—

Rep. SULLIVAN. Chairman, on whose time are we operating?


I’m sorry. I asked staff to do that, and sometimes they forget. They’re enchanted by my question. [Laughter.]

Rep. WATT. Thank you, Mr. Chairman.

Rep. HYDE. Thank you.

The question I was going to ask, when someone is granted immunity, as Ms. Lewinsky was done, is it customary—and of course I should have—by my experience with the immunity agreement—but is it customary that they are obliged to tell the truth thereafter, and if they lie or tell a falsehood about some substantial issue in which they forfeit their immunity? Is that the custom?

Mr. SULLIVAN. There are two kinds of immunity. But the normal immunity—and I haven’t seen her agreement—is what’s called “use immunity” which means that any testimony that she gives that is not truthful could lead to her being in a subsequent perjury prosecution. If she gets “transactional immunity” she’s entirely free. But that’s not normally the case; it’s usually use immunity and no consequences.

Rep. CONYERS. Could you explain the transactional immunity?

Mr. WELD. That’s right.

Mr. CONYERS. And the use immunity?

Mr. WELD. That’s right.

Mr. CONYERS. So it’s the kind of immunity that you get where the president is impeached. He cannot then pardon himself and restore himself to office as a result of impeachment, obviously. But the presidency is restored at a later time, the governor is restored to office because he could bestow a pardon upon himself that would take place?

Mr. WELD. Well, I can’t imagine the president pardoning himself, Mr. Congressman.

When I said I thought that the post-term risk was low, that’s because of my assessment that the post-term conviction case.

Rep. GOODLATTE. Be nonetheless, he has that power, and the Constitution is very explicit about the one exception to the use of the pardon power where the president is impeached.

Rep. HYDE. I think the thing to do is to see what the agreement held.

Rep. WATT. Right.

But generally, the agreement requires truthful testimony—

Rep. HYDE. Right. [Mr. SULLIVAN continuing.] And you are subject to perjury prosecution if you do not give truthful testimony.

Rep. HYDE. Thank you, Mr. Sullivan.

I thank you, Mr. Goodlatte.

Rep. GOODLATTE. Gentlemen, welcome.

Governor Weld, when you were governor of Massachusetts, if you were convicted of a felony that was serious that included jail time, what would happen to you as governor of the state of Massachusetts?

WELD. I think you’re out automatically, but I never got close enough to the border to focus on that question—[Laughter]—Mr. Congressman.

Rep. GOODLATTE. We hope not. We hope not.

But think that’s true, I think that’s true only in Massachusetts, but in virtually every other state in the country, that if the chief executive is convicted of a felony, that they are automatically removed from office. And I do have the annotated laws of Massachusetts here in front of me, and that is exactly what it says.

In addition, it’s my understanding that you would not be exempt from prosecution during the time that you served as governor. If you were convicted of a felony and the prosecution could go forward, you could be tried and convicted during that time, unlike the prevailing opinion with regard to the President of the United States.

Mr. WELD. Well, sure. I think that’s true.

Rep. GOODLATTE. And if that were to occur, that would become an element of your duties as governor of Massachusetts, to go through a—what could conceivably be a lengthy trial. But nonetheless, the laws of that state and virtually every other state, provide for that to be done to protect the public trust and the interest of the public in not having someone with a serious charge and then subsequently a felony conviction serving in the office of highest trust of that state, is that correct?

Mr. WELD. That’s right.

Mr. GOODLATTE. Actu-

ally, one of the reasons I resigned in ’96 was because the Michigan ambassadorship was taking up so much of my time I didn’t think it was fair to the people to continue drawing a full salary, and I think that in a criminal proceeding would be problematic also.

Rep. GOODLATTE. Now, also, if the judgment against he governor is reversed at a later time, the governor can be restored to that position according to Massachusetts law unless it is so expressly ordered by the terms of a pardon.

The President of the United States has the power to pardon, and the prevailing opinion is that the president can pardon himself. Are we all in agreement that the likelihood of any kind of conviction of this president in this case, regardless of your opinions of the merits, is not going to take place because of the reality of the circumstances, that either for practical reasons after the president leaves office or because he could bestow a pardon upon himself that would take place?

Mr. WELD. Well, I can’t imagine the president pardoning himself, Mr. Congressman.

Rep. CONYERS. Okay. Mr. Noble, you don’t have to answer that, because time is up.

Rep. CONYERS. Okay.

Mr. NOBLE. I can’t even imagine me being accused of anything as remotely false as sexual misconduct, and I’m sure that you would agree that you would not be able to hold that position.

Rep. SENSENBRENNER. Thank you. The gentlewoman from California, Ms. Lofgren.

Rep. ZOE LOFGREN (D-CA). I am someone who believes that the issue before the Committee today is whether behavior executive is so severely threatening to our Constitutional system of government that it requires us to undo the popular will of the people. It is a true tragedy—naive and hollow definitions that would describe oral sex had been deleted by the trial judge from the definition
of sexual relations and I understood the definition to mean sleeping with somebody.

I don't want to get to particular here. Rep. LOFGREN. Thank you.

Mr. NOBLE. That's the case, in my opinion, wouldn't go forward even if you found an errant prosecutor who would want to prosecute somebody for being a peripheral witness to a crime that had been settled. That's my answer to that.

Rep. LOFGREN. Let me ask you, Mr. Noble. You're the prosecutor. It's built all sorts of--op, my time is up. Well, perhaps someone else can ask you about hearsay. And I will yield back, Mr. Chairman.

Rep. SENSENBRENNER. Mr. Noble, I would like to respond to this frivolous argument about the oath that we just now heard. The president's deposition oath was administered in a civil deposition by Judge Susan Webber Wright, according to the court reporter who recorded the deposition. The Federal Rule of Civil Procedure 28 specifies three types of persons before which depositions may be taken within the United States: before an officer authorized to administer oaths by the laws of the United States or place--or of the place where the examination is held, or before a person--

Rep. ? Will the gentleman yield?

Rep. BUYER. Mr. Noble will not--or before a person appointed by the court to administer oaths and take testimony.

There is no dispute that Judge Wright has the authority to give the oath in the civil deposition.

Note also in addition 5 U.S.C. 2903 provides, quote, "an oath authorized or required under the laws of the United States may be administered by the vice president or an individual authorized by local law to administer oaths in that state, district, or territory, or possession of the United States where an oath is administered."

Now before the grand jury, Rule 6(c) of the Federal Rules provides that the foreperson of the grand jury, quote, "shall have the power to administer oaths and affirmations, and shall sign all indictments," end quote. This does not mean that the foreperson is the only person who administers oaths in the grand jury. In the District of Columbia, a notary public could administer an oath and affirmation, in the president's grand jury testimony, was administered by the court reporter/notary public, who's authorized to administer oaths by the federal law and District of Columbia. The District of Columbia Code provides that a notary public shall have the power to administer oaths and affirmations. That's Chapter 8, D.C. Code 1-810.

I have a question for you, Mr. Noble, with regard to--

Rep. SCOTT. Mr. Chairman, could--was the reading from a document?

Rep. SENSENBRENNER. The time belongs to the gentleman from Indiana.

Rep. SCOTT. Well, if he was reading a different document, we'd like to see what he was reading.

Rep. ? [Off mike.]

Rep. SENSENBRENNER. The time belongs to the gentleman from Indiana.

Rep. BUYER. Mr. Noble, with regard to prosecutorial discretion, I was pleased to hear some of your testimony. As I am referring here to the principles of federal prosecution, I have a series--a couple questions I'd like to ask. Prosecutors end up having to exercise discretion a lot of times because--sometimes we're looking at felony crimes that are, you have to exercise good judgment. Is that correct?

Mr. NOBLE. That's correct.

Mr. BUYER. And there are many different factors that you need to take into consideration, and that's why you also have these guidelines at the federal level, correct?

Mr. NOBLE. Correct.

Mr. BUYER. And one other factor that you even talked about here today is the strength of evidence, is that correct?

Mr. NOBLE. Yes, sir.

Mr. BUYER. Another factor would be--is the grand jury prosecution appropriate, correct?

Mr. NOBLE. That's correct.

Mr. BUYER. And the other is the deterrent effect--

Rep. SENSENBRENNER. Mr. Noble, correct.

Rep. BUYER [continuing]. By prosecuting or not prosecuting. Is that correct?

Mr. NOBLE. Correct, yes.

Rep. BUYER. In this case, when I refer to the guidelines under the section of the nature and the seriousness of the offense, I think it is somewhat informative, it says in here, it even states, "The public may be indifferent or even opposed to the enforcement of a controlling statute whether on substantive grounds or because of the history of non-enforcement", because the offense involves essentially a minor matter of private concern." And that's what you--some of you have tried to address today.

Mr. Noble, I believe I quoted that in my prepared remarks. That's correct.

Mr. BUYER. Right. But if you go down further, it reads, "And public interest or lack thereof deserves the prosecutor's careful attention, it should not be used to justify a decision to prosecute or to take other action that cannot be supported on other grounds. Public and professional responsibilities sometimes require the choosing of a particularly unpopular course." Do you agree with that?

Mr. NOBLE. Again, I've quoted most of what you've said, yes.

Mr. BUYER. Well, we've had other panels come in and testify, and they like to cite public opinion polls. And they say, "Well, you know, you need to listen to public will here and exercise, you know, sound public discretion." As I am referring to the guidelines, it should not be used to justify a decision to prosecute or to take other action that cannot be supported on other grounds. Public and professional responsibilities sometimes require the choosing of a particularly unpopular course. And so you have it where there is an absolute new fact, of which my friends seem to reject.

Another point is, in the Paula Jones deposition, Mr. Bennett objected to the definition of sexual relation as sexual affairs. He was on the record saying, "I think this could really lead to confusion. I think it's important that the record is clear. I do not wish my client answering questions not understanding exactly what these folks are talking about."

Another co-defendant, Danny Ferguson's lawyer said, "Frankly, I think it's a political trick definition--the definition, and I've told you before how I feel about the political character of this lawsuit..."

Let me ask, Mr. Sullivan, Mr. Davis and Mr. Noble, as my time eases on, one, Mr. Davis, give the American people, most of whom have not been charged with crime, never been inside of a grand jury, as to what it is like; whether it ends there with the probative value of that.

Mr. Noble, do we have the authority in this proceeding not to go forward if we don't think we have a case?

Mr. Davis, inside the grand jury room.

Mr. NOBLE. Correct. Correct.

Mr. BUYER. And the other is the deterrent effect--

Rep. SENSENBRENNER. Mr. Noble, time has expired.

The gentleman from Texas, Ms. JACKSON LEE.

Rep. SHEILA JACKSON-LEE (D-TX). I thank the chair very much, and I think it is important as these days come to a close to make all of ourselves clear.

Let me ask you, Mr. Noble, you're one of the most visible, and I think it is important that I find the president's behavior unacceptable and morally wrong. But I take issue with my colleague from South Carolina, who continues to restate the premise that there are no new facts. Unfortunately, what I would offer to say is there's been no new thinking in this room, because as I read the provision "treason, bribery, and corruption" and I think it is important to address the questions that I have. But if they're deemed to be based on bias, then I think they should be ignored.

Rep. SENSENBRENNER. The gentleman's time has expired.

The gentlewoman from Texas, Ms. JACKSON LEE.

Rep. SHEILA JACKSON-LEE (D-TX). I thank the chair very much, and I think it is important as these days come to a close to make all of ourselves clear.

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Rep. SENSENBRENNER. The gentleman's time has expired.
Rep. JACKSON. Sorry, Mr. Noble.

Thank you.

Rep. SENSENBRENNER. The gentleman from Tennessee, Mr. Bryant.

Rep. ED BRYANT (R-TN). I thank the chair, and I thank the distinguished panel.

I always want to remind those that might be watching that this is the President's defense. And the witnesses who have been testifying the last two days are all called by his lawyers to testify in his favor.

I want to commend Mr. Craig for the outstanding strategy he has presented today. He is truly a very fine lawyer. He has brought a defense to us today that this President should never have to make. Needless to say, because he did say, maybe two times of the numerous times that she went there, and she said there was a lot of truth in there.

Well, a lot of lies there, in addition to that truth, but again, this is good wordsmanship and I have to commend, again, the counsel for the President for the defense that's been so crafted carefully, and I say it is consistent with the President's statement so far.

Summarizing, though, I would say that the defense today that the attorney general, the former counsel, Mr. Constand, the witness, is saying, and the President himself is saying, it's as if he is being forced into an admissions to sexual relations, which was not challenged, I don't believe, that issues related to her employment were taken up long before she became a witness. I think it's sickening that the President could not make the case that those things were sickeningly of his actions, they feel his actions are reprehensible, they don't—they feel they can't even try to understand. And we will try to make the case they have a right to feel anything they'd like to feel, but just because they are sickened by this actions does not mean they don't know how we're going to get that message through.

I think you did a fine job, Mr. Sullivan, of talking about the state of mind of the President and why he could rationally say that he did not have sexual relations, based on the definitions and his belief. He did not consummate the sexual act that he thought was central to sexual relations. And simply because he got on television and said, "I did not have sexual relations," some of these women believe, some women believe, as let's move on to the gifts, Mr. Davis.

Betty Currie did not say that she was instructed to go and get gifts and burn them up or dump them in the river. If she wanted to obstruct justice, do you think she could not have a better hiding place than putting them under her bed? Would you illuminate on that as obstruction of justice for us—just for a minute. And then I've got one more question.

Mr. Davis, I think there would be both a better hiding place, and in terms of obstruction of justice, I think there's also the significance of the president's real role in that whole process, when you look at a lot of Ms. Lewinsky's testimony, Betty Currie's testimony, and the president's testimony.

Rep. WATERS. Mr. Dennis, this business about bribery—somewhere there's an attempt to make the case that because there were discussions about an exculpatory information, and the Attorney General, Miss Lewinsky was trying very much to get a lot of help from anybody she could get it from, to get a job, it was her only way of getting involved here and obstruction of justice, because they would like to make the leap that there was an exchange of some kind of information. Mr. Davis, if you give me this job, I will not—" or an offer, "If I get you a job, will you not?—" Will you help us with that?

Mr. Davis, I think these are two things I recall—one from President Clinton's grand jury testimony, which was not challenged, I don't believe, that issues related to her employment were taken up long before she became a witness in this case. It's also my understanding that Miss Lewinsky herself denied that there was any attempt to use help with her employment to identify one way or the other. I would think that would basically close the whole issue.

But again, I think—I would address my colleagues, let's don't get boxed in this idea that he almost did it, in your view, and we can't impeach. I also, again, would give the disclaimer that I believe he committed these crimes and I think the evidence is there to show that. And I thank you again.

Rep. SENSENBRENNER. The gentleman's time has expired.

The gentlewoman from California, Ms. Waters.

Rep. MAXINE WATERS (D-CA). Thank you very much.

I'd like to thank our panelists for being here today, I was impressed with the way that they have used their limited time. And I am extremely frustrated. I would like to see each of you take one aspect of these allegations and submit an explanation about why they're not impeachable, but this process doesn't allow for it, and you're not able to do what you have shown you could do so well because you don't have the time.

You're setting here with so-called legal minds and lawyers talking about they want to impeach the President because they are sickened by his actions, they feel his actions are reprehensible, they don't—they feel they can't even try to understand. And we will try to keep you from making the case they have a right to feel anything they'd like to feel, but just because they are sickened by this actions does not mean they don't know how we're going to get that message through.

I think you did a fine job, Mr. Sullivan, of talking about the state of mind of the President and why he could rationally say that he did not have sexual relations, based on the definitions and his belief. He did not consummate the sexual act that he thought was central to sexual relations. And simply because he got on television and said, "I did not have sexual relations," some of these women believe, some women believe, as...
agree that “alone” means you’re by yourself, not with anybody.

Mr. Davis. I think “alone” in essence means that you’re by yourself; but I think that, you know, I don’t forget that you had sex with somebody. I think you have to go back and look at the confusing nature of the answers. What basically was going on, is that there was a number of times that she tried his best to avoid and was playing word games in his deposition.


Mr. Davis. He shouldn’t have been doing it, and he was doing it. The issue is, what is the legal consequences now? And that’s what we’re talking about.

Rep. Chabot. Thank you. I think the president should set a standard for all the citizens in this country, and I think we all ought to be able to agree on what the word “alone” means.

Mr. Sullivan, in your opening statement, in discussing how much evidence a prosecutor should have before he brings a case to a grand jury, you stated that they should not run cases up the flagpole to see how a jury will react. Do you think it’s responsible for a prosecutor to, in a sense, run something up a flagpole to see whether or not he ought to tell the truth or lie?

Mr. Sullivan. No.

Rep. Chabot. Thank you. Mr. Noble, in your statement you said “Members of Congress should consider the impact that a prosecutor’s decision to not seize materialized trial, what effect that will have on the country.” Should we also consider what the impact that a president committing perjury, obstructing justice, tampering with witnesses, and getting away with it might have on the country, particularly when that president is the chief law enforcement officer and is sworn to uphold the laws in this country and, in fact, is sworn and took an oath himself that he would uphold the laws?

Mr. Noble. I believe you ought to consider whether or not you could prove any of the allegations that you just articulated in front of a jury, and I think you ought to take it into account in deciding whether or not you want to base your impeachment, as I’ve read, on perjury. You can base your impeachment, on whatever you want. But if it’s on perjury, I believe you would not be able to sustain a conviction for perjury before a jury in this country.

Rep. Chabot. Thank you very much. And the final time that I have here, I think as Mr. Bryant just said, it’s very important for all of those folks that may be watching the testimony today not to forget that these witnesses were sent here, and I think they’ve done a very good job. But they’re witnesses on behalf of the president, not impartial witnesses. And I think the president should set a standard that our kids in this country ought to be able to look up to, and we ought to know that the chief law enforcement officer, the president of this country, is somebody that we can respect and who actually tells the truth.

I yield back the balance of my time.

Rep. Hyde. The gentleman’s time has expired.

The gentleman from Massachusetts, Mr. Meehan.

Rep. Martin T. Meehan (D-MA). Thank you, Mr. Chairman. Mr. Chairman, Mr. McCollum earlier referred to a case from the United States Court of Appeals in the District of Columbia circuit and seemed to indicate that that case, the ruling in the case, which had been sealed, put to rest the issue of whether a president’s deposition was material in the Paula Jones case. Well, it just so happens that I got a copy of that ruling that was under seal, and this is not a ruling on that at all. This is a ruling on a motion to quash by Ms. Lewinsky’s attorney because Ms. Lewinsky didn’t want to testify. Mr. Craig has testified, he has said that the president’s testimony was material to the underlying civil case in the Paula Jones-filed lawsuit. So just to set the record straight, the president’s testimony would be submitted for the record that members might want to read it.


In any event, I’m delighted to see the former Massachusetts governor here back in the public arena—on the right side. [Laughter.]

I heard my friend from South Carolina, Mr. Inglis, talk about the high bar over the last few days. The high bar, that Mr. Craig has to make sure that he gets over that high bar, because it’s a very high bar. They’re prepared to vote for impeachment of the President of the United States on Saturday. It’s the second time we’ll have a trial in the United States Senate if the full House goes along with it. And he’s prepared, the high bar that Mr. Craig has to pass, to get witnesses before this committee to prove the president’s innocence.

Now, Governor Weld, you’re a former prosecutor.

I am sure that you have heard many on the other side say that this is sort of like a grand jury proceeding. We have heard Mr. Craig do exactly what a prosecutor would do, which is to impeach the president from the start. We have heard Mr. Craig do exactly what a prosecutor would do, which is to impeach the president from the start.

Now, you have ever had a case where you as the prosecutor appeared before a grand jury and gave your presentation as to why you thought a defendant had committed a crime yet called no material witnesses—no witnesses—yet, nonetheless, you got an indictment.

I don’t subscribe to this theory, but let’s assume we are in the grand jury system. Have you—

Mr. Weld. I have had cases where the case went in through an agent at the grand jury and a lot of the agent’s testimony would be hearsay. He would be a cumulative witness.

Rep. Meehan. But you have never had a case where you didn’t appear—where you didn’t present basically a forensic case—you never went in, said, “We should indict this person.”

Mr. Weld. I don’t think you’d get too far that way, Mr. Congressman.


But—

Rep. Meehan. You do here is the point because we haven’t heard from a material witness yet. And I hear the other side saying: “Wait a minute. The Democrats, the president, they haven’t brought a material witness here. They should prove the president’s innocence.”

Isn’t the fact of the matter in a judicial proceeding, that the prosecution or the person seeking to pass an impeachment—such are more important national—

Rep. Meehan. Let me go on to another instance. There is all of this obstruction of justice that just got certified here, as if we had a case of obstruction of justice.

And there is a talk about who initiated the events relative to the gifts, who transferred the gifts. The gifts testified before the grand jury that Ms. Lewinsky called her and asked her to come over and pick up the gifts. Monica Lewinsky claimed that Ms. Currie made the initial phone call.

Now, I know this is probably hard to believe. But one of the Articles of Impeachment says the president is going to be held to ordinary rules of justice, but this committee has never called either one of them to try to determine what the truth is.

Mr. Sullivan, have you ever heard of drafting an Article of Impeachment where there is a conflict in the facts, like on this particular instance, and we didn’t call either one of the witnesses to try to correct what the grant jury testimony says?

Mr. Sullivan. Well, no, but let me——

Rep. Hyde. The gentleman’s time has expired. Can you answer briefly?

Mr. Sullivan. Yeah, I can, Mr. Hyde. Even if you take what Miss Lewinsky said when she was on the stand about what to do with the gifts, you wouldn’t have a case, because she says she said, “I don’t know,” or “Let me think about it.” That’s all. That’s the total sum of what Lewinsky said Mr. Clinton said. Mr. Meehan. Thank you, Mr. Sullivan.


Mr. Davis. Mr. Barr, would you yield to me just briefly.


Rep. Hyde. Mr. Davis, in law, if you have a perjury case, the burden shifts to the other side to come forward with some evidence, does it not?

Mr. Davis. I think that’s true. In—In the burden in a criminal case always remains on the prosecutor to show proof beyond a reasonable doubt. And that burden stays with the prosecutor from beginning to end. It is a high bar. It is a very high bar. They’re prepared to vote for impeachment, as I’ve read, on perjury. You can have a very high bar. They’re prepared to vote for impeachment, as I’ve read, on perjury.

Mr. Hyde. Well, I understand that, but can you be critical of not producing witnesses when you have 60,000 pages of deposition testimony, grand jury testimony? Are you not entitled to take that into consideration? And then if you reject that, if you think that’s wrong, don’t you think you have some obligation to come forward yourself with a scintilla—by the way, what is a scintilla?

Mr. Hyde. A scintilla is very little. But I think—

Rep. Hyde. Well, don’t you think you’d have an obligation to come forth with a scintilla of evidence invalidating the 60,000 pages that you’ve released through your independent investigation?

Mr. Davis. It’s not a question of the number of pages. The real issue is whether those pages were contradicted facts is to which you’ve referred in your inquiry. The problem here is that when you have——

Rep. Barr. Mr. Chairman, I’m going to have to reclaim my time. I have some matters to go over here, with all due respect. [Laughter.]

[Cross talk.]

Rep. Rothman. Mr. Chairman, let the witness finish his answer please.

Rep. Hyde. Well, he’s been very generous, please.


Rep. Scott. Mr. Chairman, I’d ask unanimous consent that you be allowed to finish and Mr. Barr’s time be restored.

Rep. Barr. Mr. Chairman, could we restart the clock then? If they want to give this gentleman time to answer the question, let him answer and then restart the time for me. That’s fair with deposition testimony——

Rep. Hyde. Please, please. On nobody’s time but the chair’s time, the gentleman may finish his answer. And it’s not—we’ll start again with Mr. Barr’s time.

Rep. Barr. Thank you, Mr. Chairman.

Rep. Hyde. And I really intruded in his questioning. Go ahead, Mr. Davis.

Mr. Davis. I don’t think this depends upon what’s in those 60,000 pages.

Mr. Davis. If there are conflicts that are revealed so that there are factual issues, the issues then become credibility. And credibility is important.


Mr. Davis. And even as Mr. Starr recognized, he didn’t want to give immunity to Miss Lewinsky unless he saw her. Of course, actually, he didn’t see her. He wanted his office to see her.

So if you’re going to make credibility judgments, and as to a number of these issues, there are credibility issues, that’s when it becomes important for the person with the responsibility for making the decision— and that is in this case this commis- sion—and that is in this case this commit- tee—in my view to actually test the credibil- ity of the witnesses.

Rep. Hyde. And of course, where there’s no conflict, that isn’t an issue, isn’t it so?

Mr. Davis. If there is no conflict—


Mr. Davis [continuing]. Then it’s a ques- tion of the significance of what is said and understanding that.


Now, forgive me, Mr. Barr. I won’t do that again.

Rep. Barr. [chuckles] Mr. Chairman, if you can ask questions and then start the time for me, you can do anytime you want.

Rep. Hyde. All right.

Rep. Barr. Thank you, Mr. Chairman.

I know Mr. Craig is here. And I don’t know whether he’s been dismissed or dismissed by the panel today, because after promising us yester- day that we would not be hearing tech- nicalities and legalities, that’s all we hear today. And that’s fine. We have a panel of very distinguished legal attorneys here, and that is the essence of criminal law, finding clever ways to parse words and defini- tions, and determine why cer- tain principles don’t apply, and I understand that.

But we really have gone, Mr. Chairman, today from the technical to the absurd. From the technical, we have lawyers here that would apparently agonize greatly over a definition of ‘sexual relations’ that is very, very broad, uses terms that are deliberately broad to encompass a whole range of activi- ties—using the term “any person”. Now, to Mr. Sullivan, ‘any person’ may not mean anything; however, it is linked to the average person of common sense it would. So we still have this legal, technical parsing over definitions and words. It leaves us, as we were before Mr. Craig made a promise yesterday that we would have no more technicalities and legalities to hang our hats on.

We have gone then to the absurd, Mr. Chairman, and that is the preposterous pre- sumption or scenario that the president, in talking to Mr. Currie the day after he gave his grand jury testimony—or his testimony in his deposition before the court, was really acting as her attorney. Because according to Mr. Sullivan, ‘any person’ who are linked to the average person of common sense it would. We still have this legal, technical parsing over definitions and words that leaves us, as we were before Mr. Craig made a promise yesterday that we would have no more technicalities and legalities to hang our hats on.

You know, I don’t think he and I disagree at all. I think his comments were interest- ing. You know, the “almost did it” theory. You know, I don’t think he and I disagree at all that much. I do think, however, that there are ways to deal with a president who has evaded, who has been non-responsive and who has obfuscated the truth. And I think that this is where we were before Mr. Craig made a promise yesterday that we would not be hearing tech- nicalities and legalities because it’s embedded in our legal system. That’s why it’s important to note too that are open to this Congress to deal with that particular issue.

Rep. Delahunt. I just want to submit this for the record, because hearing the issue being raised yesterday or several days ago, I went back to the testimony that was pro- vided by Kenneth Starr. And according to my review, the independent counsel expressed difficulties in recalling information at least 30 times during the course of his testi- mony. And it’s fully detailed here, and I want to submit it, Mr. Chairman, for the record.

Rep. Hyde. Without objection, may be re- ceived.

Rep. Delahunt. You know, I think it’s im- portant to—also to note that credibility is an issue here, Mr. Davis. It’s a real issue. I think it’s important to note too that the majority, represented by Mr. Schippers, has acknowledged that in their report to this committee.

I would submit this to read to you his statement. ‘Monica Lewinsky’s credibility may be sub- ject to some skepticism. At an appropriate stage of the proceedings, that credibility will, of necessity, be assessed, together with the credibility of all witnesses in the light of all the other evidence.’

I would suggest that it’s an obligation of this committee to make that assessment be- fore we proceed.

Mr. Davis. I believe it is, because you’re the ones who have to be the ones that there is sufficient evidence to establish what is put in a piece of paper—

Rep. Delahunt. Miss Lewinsky has on nu- merous occasions lied, if you have read the—

Rep. Hyde. Right. However it might be修饰性, it might not be right, it might very well be im- proper. It’s not a crime, is it. Mr. Sullivan. The criminal code is not en- acted to enforce a code of morality.

Rep. Delahunt. You know, I was listening to a friend from Tennessee, Mr. Bryant, and I thought his comments were interest- ing. You know, the “almost did it” theory. You know, I don’t think he and I disagree at all that much. I do think, however, that there are ways to deal with a president who has evaded, who has been non-responsive and who has obfuscated the truth. And I think that this is where we were before Mr. Craig made a promise yesterday that we would not be hearing tech- nicalities and legalities because it’s embedded in our legal system. That’s why it’s important to note too that are open to this Congress to deal with that particular issue.

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Rep. HYDE. The gentleman's time has expired.

The gentleman from Tennessee, Mr. Jenkins.

Rep. BILL JENKINS (R-TN). Thank you, Mr. Chairman.

And let me say to this panel, thanks. Mr. Chairman, I noted this as a very salient panel, and I suppose you saved, Mr. Craig, the best till last, a very bright panel.

And I think it's a very different feel like I would be unarmed to get engaged in my mental gymnastics with any member of the panel.

But you've all announced that you're here as witnesses, not advocates. You are advocates in a sense as witnesses. And I suppose the tendency for all of us who practice law or been judges is to get back in the arena. The last two or three panel members I think have gone in the direction that we need to continue to go in. They've talked about getting away from lawyer talk, and talked about talking about things that the American public would understand. Now, I've got a question along those lines. I'd like to ask Mr. Sullivan.

Mr. Sullivan, you testified that you have read from the president's deposition that he had oral sex with somebody based on the interpretation of sex—

Mr. Sullivan. In the grand jury testimony. Rep. HYDE. The gentleman's time—

Mr. Sullivan. Right. The grand jury testimony.

Rep. HYDE. The gentleman's time expired.

Mr. Wexler.

Rep. ROBERT WEXLER (D-FL). Thank you, Mr. Chairman.

Mr. Sullivan, I was very struck by your testimony in terms of your examination of the allegations against the president because it seems to me one of the most critical elements against the president's and the president's lawyers in this process is that they have engaged in legal hair-splitting, they have been condemned for it, and in some cases maybe appropriately so.

But as you analyzed the nature of the case against the president, you have to engage in legal hairsplittting to do so. Because when it all comes down to that very essence of the case against the president on perjury, it comes down to a discrepancy—a discrepancy between the president and Ms. Lewinsky over the precise nature of the physical contact involved in their relationship. The president, on the one hand, at the grand jury says, "I had an intimate relationship, an inappropriate intimate relationship with Ms. Lewinsky that was physical in nature." And he goes on to say it was wrong, and, of course, as you have pointed out here today on several occasions, he denied, in essence, having sexual relations as it was defined by Ms. Lewinsky on the other hand, in response to the independent counsel's several questions, goes into graphic detail in recollection of her encounters with the president that's what it seems the perjury is all about.

But let's take the advice of the members on the other side. Throw away the legal technicalities, throw away the requirements that the law provides we prove for perjury. Forget all about that. Tell the American people what is the false statement that the president allegedly made to the grand jury? Forget the consequences, forget the law. What is the false statement?

Mr. SULLIVAN. Well, if you—if it could be one of two. It could be when he denied having sexual relations and I've already addressed this, that he didn't believe that they were to.

Mr. NIBLE. I thought you just mentioned my name. I'm sorry, I apologize. Rep. JENKINS. Well I haven't asked you to, Mr. Noble.

Mr. Noble. I thought you just mentioned my name. I'm sorry, I apologize. Rep. JENKINS. Let me ask you a question. I'm about to burn up all the time I have.

But do you know anything, Mr. Sullivan, about the Battalino case, the lady who came here and testified?

Mr. SULLIVAN. I just what I've read in the newspapers and here today.

Rep. JENKINS. So you're not—you're not able to compare—

Mr. SULLIVAN. No—well, I could compare it this way, that in the cases that have been referred to—I have not heard of any in which it is analogous to this case where the witness's testimony was the issues in the case, the alleged perjury was not dealing with the specific facts like of the J ones case, but of some other peripheral case that might not even be admissible.

Rep. HYDE. The gentleman's time—

Rep. WEXLER. Thank you, Mr. Sullivan. My time has expired.

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But do you know anything, Mr. Sullivan, about the Battalino case, the lady who came here and testified?
in civil litigation, there's a stack of cases. Now, I could go through them, but I only have five minutes. And so I won't take advantage of that. I find one in Illinois and in the first district. That's not the best. And I don't think there's a history here in this case, as well. There's an investigation of obstruction of justice.

Now Mr. Sullivan, you mentioned that it was in a peripheral matter. Am I correct——

Rep. Hutchison. Has anyone on this panel ever represented a woman as a plaintiff in a sexual harassment case? (Pause) If you have, raise your hand. Well, I have. And whenever you look at the most difficult thing in a sexual harassment case, it would be to prove who's telling the truth. And many times you have to go to a pattern of conduct because there's a denial. And so if you try to prove a pattern of conduct, you've got to ask questions in a deposition as to what the past is, and I don't think that's a peripheral matter. I don't think you can make sexual harassment cases if you do not ask those questions. And when the president is not truthful, and you never having in his lifetime sexually harassed a woman, is that a material statement in the civil case? Invite your thoughts on that.

Mr. Davis. Well, I think, you know, the issue is—I don't think, I don't think—believe it is, because—Rep. Hutchison. The question is, is it material?

Mr. Davis. No, I don't think it's material, because you would have to disprove the broad discovery rules, but the question is—was, if a truthful answer here would have revealed the true facts, would it have been admissible in that Jones case?

Rep. Hutchison. If he had admitted he had sexually harassed someone, you don't think that—

Mr. Davis. No, no. Actually, the truth is it would not have been because it would not have been admissible in the Jones case.

Rep. Hutchison. Does anyone disagree that that would have been a material statement?

Do you disagree, Mr. Noble?

Mr. Noble. I'm sorry, maybe I misunderstood the question. But I don't know the record to reflect this question, but if your hypothetical question is: In a sexual harassment suit, if a person is asked “Have you ever sexually harassed someone?” and you answer “Yes,” and later the record shows that that material, I believe it would be material.

Rep. Hutchison. Okay. Would anybody else agree with Mr. Noble, who gave a very straightforward answer? I know you all haven’t handled sexual harassment cases; perhaps that's a little bit of an advantage. But I thank you for your testimony.


The gentleman from New Jersey, Mr. Rothman.

Rep. Steve Rothman (D-NJ). Thank you, Mr. Chairman.

Let me start off by saying that with respect to my colleagues on the other side of the aisle, I don't think it aids the search for truth. I think it aids the White House counsel. Mr. Craig said that he was going to be presenting us with some factual rebuttal to the factual arguments made by Mr. Starr. As I've read the 384 pages of the White House submission, there are pages 70 through 89 and pages 93 through 182 which address each and every one of the factual charges made by Mr. Starr.

So what we now have is Mr. Starr, who was a witness to no facts, making his state-ments, 450 pages in writing and then 2½ hours in his initial testimony, and we have Mr. Kendall, who made several written rebuttals, and now this 384-page rebuttal to the evidence. We're all trying in a court of law, as we all know and have accepted the testimony of these experts. And we're left without one single fact-witness to help us to tell the truth and when she wasn't, because Mr. Starr said—I judge Starr said sometimes she was telling the truth and sometimes she wasn't. But witnesses have not even been called to find us in telling the truth. But we all agree that there is a basic, fundamental American notion of due process and fairness: you must bear the burden of proof, and in this instance, it is a clear and convincing standard of proof. Yet not one single fact-witness has yet been presented. That will be telling, unless it's remedied, my friends.

But I understand, though, that my colleagues on the other side of the aisle, despite the fact that these distinguished prosecutors have said they would never bring a criminal indictment on these matters—and remember it's a standard saying ‘criminal’ or ‘high crimes’—they wouldn't bring an indictment on these alleged crimes. But my colleagues say that, and I said that, and I said that it's well known in the pattern of lying, it violates—it's not right. Well, I'm not sure that the standard is ‘treacon, bribery, high crimes, misdeemeanors, evasiveness and lack of respectability’ as a substitute. Although some might argue that ‘high crimes and misdemeanors’ should say that, it doesn't say that.

With regards to the rule of law, we've said many times President Clinton has already paid or will pay an $50,000 fine, or settled his case for $500,000.

In a civil case, that's not an incentive to lie in a civil case. He can be sued criminally once he leaves office and go to prison if the charges against him were proven true. That's certainly no incentive to anyone to lie under oath in a criminal—in any proceeding.

And the rule of law is upheld because the president is not above the law. He can be sued civilly and criminally, and our kids know that. And this whole process has demonstrated that.

The question for our committee and for all of America is to decide, if no reasonable prosecutor would bring these matters up for a crime, how could it be a high crime or misdemeanor? Should we say that the Founders got it wrong, that they should have added ‘evasiveness’ as a high crime or misdemeanor, or ‘lack of respectability’ as a high crime and misdemeanor? Some might argue yes, some might argue no. What we have to be aware of is the consequences to our nation if we expand on that definition when we already know the president can be punished civilly, as he has been in the settlement, and criminally by going to prison if the charges are proven against him. I yield back to time.


The gentleman from Indiana, Mr. Pease.

Rep. Edward Pease (R-IN). Thank you, Mr. Noble.

I was very thankful of that, and we should all be thankful of that, because if you want to prosecute me, prosecute me for something I did, but don't ask me to come out and give information to someone and giving information to someone and cooperating with you, one of your informants, giving information to someone and have said they would never bring a criminal activity, like a perjury trap? All of the considerations, so that after all is said and done, I should have been a rational, independent person would say, “Yes, I can look at the evidence and see this prosecution belongs here.”

No rational, seasoned prosecutor would bring any criminal prosecution against any person for perjury or obstruction of justice, and having that information lead to possible criminal activity, like a perjury trap? All of the considerations, so that after all is said and done, I should have been a rational, independent. And if it's a matter involving parties that are already involved in a dispute, you've got to worry about that.

And how did this person become aware of this information, if—in the case of someone cooperating with you, one of your informants, giving information to someone and having that information lead to possible criminal activity, like a perjury trap? All of the considerations, so that after all is said and done, I should have been a rational, independent.
Rep. PEASE. I also, as I began, want to thank all of you. It’s been—your presentation has been very helpful in understanding the issues surrounding charging and proving a case in criminal matters. I’m concerned, though, that we not assume that either the standards in a criminal prosecution or the burden of proof or the procedures employed are the same as those which face this committee.

A criminal prosecution is not the same as an impeachment and we should not succumb to an analogy. Prosecution in a criminal matter might not succeed that Congress is unable to act under its constitutional obligation.

The Senate is the jury in this case if a person is put on trial out of it, and let’s leave it as a civil case. The Senate may find out that he or she may not be indicable.

I yield the balance of my time.

Rep. HYDE. I thank the gentleman. The gentleman from Wisconsin, Mr. Barrett.

Rep. THOMAS BARRETT (D-WI). Thank you, Mr. Chairman. Mr. Sullivan, you indicated in your testimony that you did not think that this would be brought by a United States attorney for perjury. We have heard many—many witnesses and many members saying that the president, when he leaves office, is not subject to criminal prosecution. The sense of the American people, I think, remains that the president did something wrong, that he should be held accountable for his actions and that he should not be impeached.

So in your discussion, where is the justice? In this case, in the civil suit since every one of us would explore not telling the truth, or lying, where is the justice, in your analysis here?

Mr. SULLIVAN. Well, we live in an imperfect world, and justice is not always achieved in this world. We sometimes have to wait and hope. But all I’m saying is that the law—you have to follow the law. If the law provides that the president can be indicted after he leaves office, and if some prosecutor wants to take this up who has jurisdiction over it, they may—they may reach a different conclusion than I do. I doubt that a responsible prosecutor would bring a perjury case against the president on these facts.

Now, I think Mr. Sullivan yesterday said, look, what is going on is already gone through, though. I mean we’re sitting here, the third time in the history of the country that they’re considering removing a president from office.

It seems to me that there’s been terrible retribution on this man for what he did.

Rep. HYDE. The gentleman’s time has expired.

Mr. SULLIVAN. If they think that the president can be removed from office by a civil suit, then we need to re-examine the Constitution.

Rep. BARRETT. Mr. Chairman.

Mr. SULLIVAN. Thank you, Mr. Chairman. I would like to begin by thanking this panel for this important issue, and I think your presence has added weight to this proceeding. I appreciate your comments and testimony.

I would like to just point out at the very beginning that, without any parsing of words or equivocation, I agree with my friend Ms. Lofgren, that what we’re discussing is not the president’s actions. He refuses to answer the question in the context of the definition that he read fully, because he answered the question in the context of the definition that he read very carefully. And obviously, minds can dissemble in this sort of thing, but I just don’t see how you could exclude that particular act from the definition that remained after the striking of the two sentences.

The issue has been stated as whether or not the president could be prosecuted for this crime, where these technical defenses may be relevant. But I think the real potential for understanding the likelihood of a criminal prosecution actually lies in the president’s own actions. He refuses to acknowledge or disclaim the underlying facts and it’s like this: I agree with Mr. Wexler to the L-word. Mr. Crain, yesterday said, in answer to a question, “No, he deceived, he misled.” But he did not lie. That was technically accurate, but he did not disclose information.

This—I mean, I think all the commentators on the editorial pages have pointed out that the president is caught between the Fifth Amendment and coming clean with the American public. And I think it’s his actions, the fact that he won’t deal with the facts of the case, that make it clear to me that there may actually be, in another context, rather than this one, a criminal problem that he’s concerned about.

But unlike Mr. Wexler, who says that this is about sexual—lying about sexual relations and televising, let me believe that this—that this proceeding is really about—not about crime—I believe that it’s about the government’s ability to secure the truth.

Rep. HYDE. The gentleman’s time has expired.

Rep. BARRETT. Thank you, Mr. Chairman.

Mr. SULLIVAN. Mr. Chairman, in two of the things that my good friend Ms. Lofgren commented on earlier. Ms. Lofgren and I are on two subcommittees of this committee, together, and I have the greatest respect for the way she thinks.

She said or pointed out that perjury about sex is relevant essentially—and I am paraphrasing—is relevant to this side because it’s a crime, and then went on to point out some of the technical elements of the crime that may in fact be missing here.

And then, first of all, that there was the suggestion that the person who administered the oath to the president may not have been authorized to do so, which I think was rebutted fairly effectively by Mr. Buyer, and I agree with his responses.

Secondly, she said that the question must be unambiguous. Now, I don’t read the statute as requiring an unambiguous question, but I think the perjury ultimately has to be quite clear.
you're being sued. But those things happen. And they happen to smart people like Bill Clinton. And if we impeach people for being silly and doing inappropriate things we'll wind up in Congress every other day.

So I'm not saying that those type things ought to be the reason we get rid of the president. But I do think that people can do that really is inappropriate and defies understanding. And I believe that's a lot of what Bill Clinton's problems really are at the end of the day.

And if I've got to cast my vote based on knowing what the Senate's going to do, I'd rather be in the House and not tell you what they're going to do half the time. And I think what they ought to do is wait 'til they get a case before they decide it. And if we have a case in Congress, the committee do its work, whether you like or not, before you decide what you're going to do, because the day you start deciding the case before the case is over is the day we lose a lot in this country.

Governor Weld, hypothetically, you're the governor. There's a person out there that possesses damaging information about you. You're in a consentual relationship that's silly, and doing inappropriate things we'll wind up in Congress every other day.

You're in a consentual relationship that's silly, and doing inappropriate things we'll wind up in Congress every other day. You've used the resources of the governorship, if you got people in your office to plant lies, falsehoods, malicious rumors, and tried to use your office to trash potential witness against you, what should your fate be? If there's in a clear enough case, my fate should be "out of here."
was worried about. So I think, you know, anybody on an ongoing basis has got to ask themselves the question, Can I do the job? And if you can't do the job, you shouldn't do the job.

Rep. BONO. So will your opinion vacillate, though, depending on what is happening with attacks on us, or 

Mr. WELD. You know, you don't have a parliamentary system here, we have presidents who are mighty unpopular. Harry Truman was mighty unpopular even when he was in charge, you know, in retrospect people think, doing the right thing on a lot of stuff. So I don't think it should be follow- 

ity, it's a question of ability to discharge the duties of the of- 

fice, and I will confess that I was somewhat surprised at the alacrity with which all seemed to be forgotten and forgiven in terms of people saddling up and doing business with the president and taking him seriously.

Rep. BONO. Well, my point, sort of, here, is, that you know, the public trust, though, is something you also have to anticipate and it's easy to have it now, today, while the economy is strong, the stock market is great, although some of us still can't get Furbys—[laughing]—so it's not strong enough. But how about tomorrow? Will we have it tomorrow? Will the public trust be there tomorrow? Will the public trust be there a month from now when Osanbey is ugly here again?

Mr. WELD. Well, I don't think you want to go to the removal route because of a concern that the trust might not be there. It would have to be a lot more solid than that.

Rep. BONO. There is a concern, right? Thank you. And I guess—I still have a green light—this is a miracle. I have a question based on Mr. Sullivan's testimony, but I'll leave it open to the whole panel, but first I want to—oh, it's yellow, so I'll just comment briefly.

Mr. Sullivan, I had a fun moment earlier; it's not a comment or anything, but, you know, you have the head of a pin as Lindsey (sp) would say, over the definition of sex, and oral sex was omitted from the de- 

scription before the Paula J ones testimony. But there's another story, you've changed, and I know you were trying to sort of elude references to sa- 

lacious materials again, but isn't that what got us in this whole mess? And now you're changing the wording—and I'm not a lawyer so I'm getting used to listening to every word we're saying—that you did the very thing that got us in this whole mess to begin with. And I just thought it was a fun mo- 

ment, so I wanted to leave you with a good experience here with the House Judiciary Committee. So thank you all. Thank you, Mr. Chairman.

Rep. HYDE. Thank you very much. We are going to take a break. I'll yield to Mr. Conyers.

Rep. CONVERS. Well, I wanted to take a few minutes on the reservation that I had earli- 

Rep. HYDE. All right, well, you're recog- 

ized for——

Rep. CONVERS. I'll move as quickly as I can, and thank you very much. Mr. Chairman, I wanted to let Sheila Jackson Lee utilize 30 seconds of the time.

Rep. JACKSON LEE. Thank you very much, Mr. Conyers. Just very briefly, there was a comment on the presentation of the witnesses. Let me as-
today and say if this process continues, we will continue to consume ourselves, and that is not good for this country.

So, Mr. Speaker, today I again offer the olive branch. For the sake of this institution, for the sake of this country, for our children, let us work together. This country will not accept a partisan solution to this problem. This country recognizes that the President’s actions were wrong and he has to be held accountable. But they do not want us to tear ourselves apart. When young people, about entering government, tell them, “Think of the worst thing you have ever done in your life. Don’t tell me what it is. Now think about having it on the 10 o’clock news.”

If that becomes more and more prevalent, what are we going to become? We are going to become a Nation where people who have sinned, and every one of us is a sinner, will be afraid to enter the ranks of public service.

Is that what we want? Is that what we are coming to?

I pray not, Mr. Speaker. For if that is what we are coming to, our country is in grave danger.

Mr. DE LAHUNT. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I too come to extend the olive branch, and I am deeply saddened by the events of today.

The American people have made it clear that their desire is for us to censure the President and move on to the Nation’s business. It is wrong that there has been a decision made by the Republican leadership that would not allow censure to come to the floor. Whether my colleagues agree with censure or not, I submit it is their obligation to do so.

They say that censure is unconstitutional. But, most historians and constitutional scholars disagree with them. The founder of their party, Abraham Lincoln, supported a censure of President Polk. Congress actually did censure President Andrew Jackson. Before this session, the majority whip, the gentleman from Texas (Mr. DELAY) introduced a resolution censuring President Clinton.

They have told us over again that this is a vote of conscience. But what about the consciences of Democrat Members? And what about the will of the people?

Mr. Speaker, I fear that we will do a terrible disservice for the Constitution and to our country.

Mr. CONyers. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. Lewis), the minority whip.

Mr. LEWIS of Georgia. Mr. Speaker, today is a very sad day for this House. This is one of those days when I got up, I wanted to cry, but the tears would not come.

Before we cast this one little vote, we all should ask the question: Is this good for America?

Is this good for the American people? Is this good for this institution?

When I was growing up in rural Alabama during the 40s and the 50s as a young child, near a shotgun house where my aunt lived one afternoon an unbelievable storm occurred.

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The wind started blowing. The rain fell on the tin top roof of this house. Lightning started flashing. The thunder started rolling. My aunt asked us all to come into this house and hold hands, and we held hands.

As the wind continued to blow, we walked to that corner of the house, and as the wind blew stronger, we walked to another corner; as it tried to lift another corner, we would walk there. We never left the house. The wind may blow, the thunder may roll, the lightning may flash, but we must never leave the American house. We must stay together as a family: one house, one family; the American House, the American family.

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

The SPEAKER pro tempore (Mr. LAHood). The gentleman from Illinois (Mr. Hyde) is recognized for 5 minutes.

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

Mr. HYDE. Mr. Speaker, those of us who are sinners must feel especially wretched today, losing the gentleman from Louisiana (Mr. Livingston) under such sad circumstances. One’s self-esteem gets utterly crushed at times like this. I think of a character in one of Tolstoy’s novels who feels so crushed, he asked God if he couldn’t be useful in wiping something up, or filling a hole, or being a bad example.

But something is going on repeatedly that has to be stopped. That is a confusion between private acts of infidelity and public acts, where as a government official, you raise your right hand and you ask God to witness to the truth of what you are saying. That is a public act.

Infidelity, adultery, is not a public act, it is a private act. The government, the Congress, has no business intruding into private acts. But it is our business, it is our duty, to observe, to characterize public acts by public officials. So I hope that confusion does not persist.

“The rule of law,” a phrase we have heard, along with “fairness” and “reprehensible”, more often than not, is in real danger today if we cheapen the oath, because justice depends upon the enforceability of the oath.

I do not care what the subject matter is, if it is important enough to say, I raise my right hand and swear by the almighty God that the testimony I am about to give is the truth, the whole truth, nothing but the truth, if it is sworn to without regard to that, it is solemn enough to enforce.

When we have a serial violator of the oath who is the chief law enforcement officer of the country, who appoints the judges and the Supreme Court, the Attorney General, we have a problem. Members recognize that problem because they want to censure him. That is impeachment lite. They want to censure with no real consequences, except as history chooses to impose them.

But we suggest that censuring the President is not a function permitted in this Chamber. Maybe across the Room, or the other Chamber, where the impeachment of an impeached person is imposed, that is another situation. I daresay, they are innovative and creative over there on Mount Olympus, but here we are confined by the strictures of the Constitution which affords us one avenue, and that is impeachment, impeachment.

There is a doctrine of separation of powers. We cannot punish the President. Yet, a censure resolution, to be truthful, has to do with his actions. And that is important to his reputation. We have no power to do that, if we believe in the Constitution. The Constitution did not enumerate for us a power of punishing the President. Again, I speak not for the gentlemen across the hall.

No fact witnesses, I have heard that repeated again and again. Look, we had 60,000 pages of testimony from the grand jury, from depositions, from statements under oath. That is testimony that we can believe and accept. We chose to believe it and accept it. Why reinterview Betty Currie to take another statement when we already had her statement? Why interview Monica Lewinsky when we had her statement under oath and with a grant of immunity that if she lied she would forfeit?

If Members on the other side did not trust those people, if they did not accept those people, then they had the opportunity to call them and cross-examine them to their heart’s content. But no, they really did not want to bring them in and cross-examine them, but they want to blame us for having not done it enough their way. I think that is a little short of the mark.

Lame duck? The cry was, get this over with, get this behind us. We have an election, they pick up a few seats, and “lame duck” becomes the cry. Please, be fair. Be consistent.

Now, equal protection of the law, that is what worries me about this whole thing. Any of the Members who have been victimized by injustice, and you have not lived under the law, you have not been issued by somebody and pushed to the wall, and turned to the government and the government is on the wrong side, justice is so important to the most humble among us, equal justice under the law. That is what we are fighting for.

When the chief law enforcement officer trivializes, ignores, sheds, minimizes, the sanctity of the oath, then justice is wounded. I believe that side is wounded and their children are wounded. I ask Members to follow their conscience and they will serve the country.
Mr. LATHAM. Mr. Speaker, I quote: "Do you solemnly swear in the testimony you are about to give that it will be the truth, the whole truth and nothing but the truth, so help you God?"

Mr. Speaker, that is the oath President Clinton took before his August 17th testimony of this year. The President answered, "I do." And despite repeated attempts by Deputy Independent Counsel Sol Wisenberg to warn him of the consequences of providing false or misleading testimony, the President went on to make perjurious statements pertaining to his relationship with Monica Lewinsky and his sworn testimony before the Paula Jones civil trial.

But why? Why would this President, who by anyone's account is a very intelligent man and a very good lawyer, and thus knowing the consequences of his actions, why would be proceed to commit perjury before the grand jury?

I think the answer lies in the testimony of the President's political consultant and confidant Dick Morris. After the story of the President's extramarital relationship and his sworn testimony in the Paula Jones civil trial broke, he consulted with Morris about what strategy he should employ. It was decided a poll should be taken to gauge what conduct the American people would and would not forgive. According to Morris' testimony, his poll found that the President's adultery could be forgiven by the public.

However, the results also showed that if it were found that the President committed perjury or obstructed justice, the public would consider that grounds for removal from office. It is then when the President made a defining statement, as he said, "Wendy and I have to have, then." And so it was, in back in January, that the President determined to continue his pattern of lies and deceit, to his staff, his cabinet, the American public and to the grand jury on August 17th.

This first article of impeachment is perhaps the most serious. It is clearly evident that President William Jefferson Clinton perjured himself before a federal grand jury—certainly a "high crime" as delineated in Article II, Section 4 of our Constitution.

We cannot, in good conscience, ignore the President's callous disregard for the laws made on the floor of this House.

"Do you swear and affirm to tell the truth, the whole truth and nothing but the truth, so help you God?"—The oath taken by President Clinton in the Jones versus Clinton civil trial.

There are some who say the second article, regarding the President's perjurious testimony in the Jones versus Clinton case, does not amount to an impeachable offense since it occurred as part of a civil and not a criminal trial and since the case was thrown out of court. In fact, some even claim the President's perjurious testimony in the Paula Jones case is a very intelligent man and a very good lawyer, and thus knowing the consequences of his actions, why would be proceed to commit perjury before the grand jury?

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However, one of the President's own special counsel, Gregory B. Craig, in his testimony before the House Judiciary Committee, "conceded that in the Jones deposition, the President's testimony was evasive, incomplete, and misleading—even maddening." Given this and the evidence derived from the sworn testimony of Vernon Jordan, Betty Currie, Monica Lewinsky and others, there is clear and convincing evidence that the President lied under oath and committed perjury in the Jones deposition.

The fact that the case was subsequently thrown out of court does not acquit the President from the perjury count. Because, in fact, the President's perjurious statements denied Paula Jones a continuance of that trial, and, in effect, her civil rights.

Obstruction of justice is an equally grave crime. The third article of impeachment delineates how President Clinton went on a course to obstruct justice in seven instances, including the President's tampering with witnesses in the Jones versus Clinton case, notably Betty Currie and Monica Lewinsky.

The President's actions prevented Paula Jones' trial from and just decision in court on whether her civil rights had been violated by the President. Each of us would expect that our grievances would receive a fair hearing in a court of law, it is our Constitutional right. No one, including the President of the United States—especially the President of the United States—should be able to deny someone that right and not suffer the consequences of their actions.

President Clinton has displayed a pattern of lying, putting forth perjurious testimony, and obstructing justice, all which undermine our Constitution and principle that no one individual is above the law—that the law is applied equally to all. This despite his oath before the American people on two occasions to "faithfully execute the Office of the President of the United States, and to . . . to the best of his ability, [his] office, to preserve, protect and defend the Constitution of the United States."

Furthermore, while I do not believe Article 4 necessarily rises to the level of an impeachable offense in this instance, the President has, with great disrespect, used his office to shield himself from the turbulent character of those who have sought to serve justice. Unfortunately, this behavior is in no way a revelation to this generation or to those past. In fact, in 1788, Sir Edmund Burke, in his opening speech for the impeachment of Warren Hastings, the British Governor General of Bengal and India, noted the employment of such familiar tactics as character assassination and twisting the truth when he criticized Hastings and his defenders that . . . "When they cannot deny the facts, they attack the accuser—they do not change their conduct, they attack their persons, they attack their language in every possible manner."

However, I bear no personal grudge against President Clinton. I forgive him for what he has done. But forgiveness is not justice, and since we are a nation of laws, we must see to it that the laws are upheld and applied equally to all citizens. That principal is what this nation was built on, it is for what our Founding Fathers pledged their lives, their fortunes and their sacred honor.

And it is our great legislative body that we are charged with making the laws that govern our nation. To permit the chief executive enforcing those laws to cast them aside as he pleases would, in effect, sanction such actions. To do nothing would be to place a stamp of approval on illicit conduct and transfer power in the execution of the law, thus upsetting the system of checks and balances devised by the Framers. It would cheapen the law, which, in turn, would cheapen the work by this House.

So it is with a heavy heart but a clear conscience that I cast my votes in favor of three of the four articles of impeachment today. Of course, the people of northwest Iowa did not send me 1000 miles from my home in Alexander to the U.S. Congress to make the easy decisions. But if a democratic republic were an easy system of government, America would not be unique in this world. A republic is so difficult to maintain because it demands great sacrifice and restraint on the part of the ruler and than the ruled. Part of this sacrifice for the people is held to a higher standard of conduct as they set the example for the rest of the citizenry and are placed in a position of trust.

It pains me to say that this President has placed himself above the Office of the President of the United States, he is held to a higher standard of conduct, the House of Representatives is doing today what is our duty to do. We should wait no longer, for as Burke opined, "To have forborne longer would not have been patience but collusion."

Mr. RAMSTAD. Mr. Speaker, this has been the most difficult, gut-wrenching decision I have made in my 18 years of public service. In making my decision, I have been obligated to put personal feelings and political concerns aside to focus solely on my constitutional obligations.

The impeachment matter is a trauma for our nation and the decision demands careful and thoughtful deliberation and much soul searching. A decision of this magnitude required me to examine all of the evidence, listen to all the legal arguments and sort through it.

As a former Criminal Justice Act lawyer, I have objectively reviewed all the evidence, heard all the arguments and searched my conscience. I have regretfully and sadly concluded that sufficient evidence of perjury exists to send this matter to the Senate.

I cast my votes solely on the evidence and the law consistent with my conscience.

Impeachment is similar to an indictment, or a formal charge of wrongdoing, and I believe the evidence of perjury before the grand jury and obstruction of justice meet the "clear and convincing" threshold for moving the process forward. I have also concluded these charges rise to the level of an impeachable offense pursuant to the Constitution of the United States.

In the final analysis, it all comes down to perjury and covering up perjury. The compelling reason for impeachment is that the President's perjury has undermined the rule of law.

The laws against perjury are the glue that holds our legal system together. To remain a nation of laws governed by the rule of law, all people, including the President, must be treated equally and held accountable. The President must abide by the same laws as every other American.

In analyzing the four articles of impeachment, I have concluded that the charge of perjury before the grand jury is substantial by clear and convincing evidence. As the chief law enforcement officer of the United States, the President has an obligation to tell the truth, under oath, in judicial proceedings. He chose not to.

Similarly, I concluded that there was sufficient evidence that the President obstructed justice in order to cover up his perjury.

At the same time, I have concluded that Articles 2 and 4 do not present clear and convincing evidence of impeachable offenses by the President.

In my judgment, the second article concerning perjury in a civil deposition does not meet the "clear and convincing" standard because...
of questions about materiality. In addition, the charge of abuse of power—for the answers by the President’s lawyers to the Judiciary Committee’s questions—is not justified by the evidence and raises Due Process concerns.

This is truly a sad day for America and the American people. But long after these words spoken today have faded, and long after this painful ordeal is concluded, we will remain a nation of laws. This means we must sometimes make difficult decisions to ensure that our national principles survive and public trust is maintained.

By the grace of God, I pray that this painful chapter in our nation’s history will be quickly put behind us by the Senate so we can address our nation’s pressing needs, heal our wounds and show the world America’s enduring strength and resiliency.

Mr. SANDLIN. Mr. Speaker, on this somber occasion I rise in strong support of the Constitution of the United States of America and the rule of law and in strong opposition to the Articles of Impeachment before us today.

Impeachment is possibly the most difficult issue to face any Congress. Attempting to impeach and remove a president strikes at the very foundation of our constitutional scheme of government.

As has been correctly stated many times today, the Constitution of the United States of America sets the standard for impeachment and provides that the President can be removed only upon “Impeachment for and Conviction of Treason, Bribery or other high crimes and misdemeanors.”

Under our law and interpretations of the Constitution, it is clear that impeachment requires wrongdoing by public officials while acting in their public capacity. English precedent clearly illustrates that impeachment applies only in cases of fundamental attacks against the system of government itself. Further, legal scholars agree that the Framers of our Constitution understood English precedent and intended to authorize impeachment only in cases of serious harm to the state such as treason or bribery.

Recent interpretations are consistent. In fact, a memorandum prepared by the Republican Members of the Judiciary Committee in 1974 stated, in a pertinent part, as follows:

. . . . It is our judgment, based upon this constitutional history, that the Framers of the United States Constitution intended that the President should be removable by the legislative branch only for serious misconduct dangerous to the system of government established by the Constitution. [Nixon v. United States, 408 U.S. 643 (1972)].

Obviously, the historical and constitutional standards are clear. Justice as obviously, the articles before us today do not even attempt to allege official misconduct resulting in damage to our system of government. Therefore, the articles offend law and are based on the wrong legal theory.

Is the conduct of the President disappointing? Certainly it is. Has it been offensive to the American public? Again, the answer is yes. However, neither of those standards is the test. We must follow the law.

Attempting to impeach a President for any reason other than the reasons set out in the Constitution will seriously erode our constitutional order and will ignore the constitutionally imposed limits on legislative authority.

This is a serious matter. Either we respect the Constitution or we do not. Either we follow the rule of law or we do not. I intend to vote against the Articles of Impeachment. I urge my friends and colleagues on both sides of the aisle to do the same.

Mr. WISCH. Mr. Speaker, as you know, the President has acknowledged the shameful personal conduct that he engaged in to a grand jury, to his family and to the American people. I think everyone agrees that such indefensible behavior was reprehensible and illegal, and appropriately, President Clinton has apologized for misleading the country on this matter. Even more appropriately, he has repeatedly recognized how harmful his conduct has been and the damage it has caused to the nation and his family.

Congress has spent the last few months attempting to determine what action should be taken in response to the President’s offenses. Unfortunately, I believe that the process by which the House of Representatives has approached this matter has become tainted and unfair.

From the start, the House Judiciary Committee promised a thorough, bipartisan investigation that would command public support as in the 1974 Watergate hearings. Sadly, the Committee failed this test. Unlike 1974, they relied exclusively on the one-sided case of independent counsel Ken Starr rather than interpreting the major participants in this case who have contradicted allegations made by Starr. Unlike 1974, there was no cross-examination opportunity for the President’s lawyers. Unlike 1974, there was little access given to the President’s counsel for most of the proceedings. Unlike 1974, there was no bipartisan decision to proceed with articles of impeachment, instead only a strict party-line vote.

The Congress is considering resolutions which direct that President Clinton’s actions “warrants impeachment and trial, and removal from office.” I am voting against these resolutions because I feel that while the poor judgment and reprehensible behavior in which the President engaged was wrong, it simply does not rise to the standard of impeachment outlined in the Constitution, no matter how it is used to impeach or to remove the President. This vote lowers the standard our Founding Fathers set for such a drastic action. From this point forward, a simple vote of no confidence by the majority party will empower them a president and overturn a popular election.

I have called for the congressional censure and rebuke of President Clinton as an appropriate punishment. Censure would be a shame of historical proportion and would allow the President to be indicated and tried in a court of law. It is the least we can do. Unfortunately, we will be denied the opportunity to vote on this option on the floor of the House.

Some have expressed concern that failure to impeach the President sends a bad message to our families and children. I believe that public officials need to strive constantly to set a high standard. However, America’s families are strong enough that the don’t have to depend on Congressional action to tell them right from wrong. In my family and in every family across the country, the President’s behavior has been discussed, evaluated and rejected. I believe he will always carry this brand for his personal behavior, both now and throughout history. That is why I believe censure in the proper and appropriate formal declaration against his behavior. However, impeachment under the high standards set by the Constitution is not appropriate.

I vote against impeachment not to approve of the behavior of this president, but to support our Constitution and the institution of the Presidency.

Mr. QUINN. Mr. Speaker, article I section 2 of the United States Constitution says in part that, “. . . the House shall have the sole Power of Impeachment.” It is one of the most awesome responsibilities that Members of this chamber face, but one which we cannot ignore. Today, it is with a heavy heart and much regret that I will support three articles of impeachment against the President of the United States.

The President, while appearing before a grand jury and answering questions presented to him in a deposition, took an oath to, “. . . tell the truth, the whole truth and nothing but the truth.” By offering false and misleading testimony, the President failed to honor that oath, and in doing so, committed perjury and obstructed justice.

Mr. Speaker, I did not reach this decision easily. In fact, this is the most difficult decision I have made since being a member of Congress. I arrived at my vote after speaking and meeting with my constituents and after talking to school groups, friends and neighbors. Most importantly, I reached my decision after a great deal of soul searching. It is a decision based on principle, not politics. My vote is one of conscience.

My decision is also based upon the clear evidence of perjury and obstruction of justice as presented by the House Judiciary Committee. After examining the record of the House Judiciary Committee, I am convinced that the President committed an impeachable offense.

The more I learn about the serious details of perjury and obstruction of justice, the more I am concerned about the President’s failure to tell the truth. All Americans must tell the truth while testifying in a court of law. What precedent are we establishing within our legal system if we do not uphold the most basic legal concept of telling the truth? If the truth is lacking, justice cannot and will not prevail.

Some have said that a vote to impeach is unfair. I disagree. Impeachment puts this matter right where it belongs. In the Senate, where the evidence can be weighed, where the public can have time to understand the charges and where a proper judgment can be reached.

Every Representative must swear or affirm to uphold the Constitution of the United States. It is that very oath that demands this vote that we are casting today. The right vote is not always the easy vote. I would have liked nothing more than to have had this matter resolved before it was taken under consideration by the full House of Representatives. However, that was not the case. I see it as my duty to cast a vote for justice.

Mrs. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the Republican majority will vote to pass Articles of Impeachment against President William Jefferson Clinton. This is truly a sad day for the nation. The Republican majority has once again defiled this Constitution in railroad these Articles through both the Judiciary Committee and the House of Representatives.
The Republican majority insists that this is being done to preserve the Constitution. This is not their true concern. The Republican majority wants to destroy this President. He has been too effective for too long. President Clinton is truly a representative of the American people. He has contributed to gaining the highest office in the United States and the world. He has long been a threat to the Republican party, and now the majority is looking to destroy him. The Republican majority insists that this is being done to preserve the Constitution. The unfair and partisan process followed by the Republicans is evidence that this is not true. The Framers of the Constitution did not intend impeachment to be taken lightly. The constitutional standard calls for impeachment when "treason, bribery and other high crimes and misdemeanors" have been committed. This standard envisioned crimes against the state—crimes which truly cut deep through the fabric of the nation. The Republican majority believes that the President committed such crimes. Articles of Impeachment do not reflect such crimes. The President has betrayed himself and his family. He exercised bad judgment. He did not betray this nation.

The Framers of the Constitution insisted that this is being done for the good of the American people. This is clearly not true. The majority of Americans have come out in opposition to impeachment and yet the Republicans have gone forward with this process. Instead of listening to the desire of the people to move forward, the Republicans have chosen to ignore the public. This is not democracy, this is tyranny.

The Republicans have pushed forward in an atmosphere fraught with unfairness, forcing through Articles of Impeachment without concern for the rule of law. The Republicans have abandoned all due process in their investigation, calling only the Independent Counsel to attest to the so-called "facts" brought to bear in this case. The Republicans have argued that the President is above the law. Neither should the President be held beneath the law. He deserves the basic protections that we give all Americans in cases of this magnitude.

The Office of the President deserves better, the American people deserve better.

During the investigation, the current chairman of the Judiciary Committee, the Honorable Henry Hyde, was quoted as, "mock[ing] those who 'sermonized about how terrible lying is and say[ing] it made no sense to label every untruth and deception an outrage' by the Los Angeles Times. Further, he characterized the investigation of Col. Oliver North a "witch hunt." What a difference a few years make.

Meanwhile, servicemen are now in a series of events between December 1997 and January 1998, against themselves.

December 19, 1998

To: HON. EDDIE BERNICE JOHNSON

Dear Ms. Johnson:

The Constitution is not the Bible. It is bothersome to see Republicans wrap themselves so tightly around this document as the truth, the whole truth, and nothing but the truth. The Bible is the only publication that claims this posture. Interpreters of the Constitution at one point did not believe that blacks had the same rights as whites. Women were not equal to men, they said. We have amended the Constitution many times since then. It has revealed more and more reasons to do so.

The President tried to cover up an affair. It was a wrong to his wife and daughter. The only impeachment he deserves is from them. Adultery is a terrible sin. It is sin. It seems then, that the Bible is the best text to deal with this sin, not the Constitution.

The Constitution gives all life, liberty, and the pursuit of happiness. It also gives each of us rights—right to defend ourselves when accused, rights to legal counsel. Hiring counsel or using our legal system should not be twisted into a charge of obstruction of justice. Is it abuse of power to defend yourself?

The Constitution gives all Americans a right to privacy. Kenneth Starr has violated Bill Clinton's right to privacy. That's constitutional. To investigate this sexual affair is not the government's business—never was and never will be. That's constitutional. A citizen can defend himself against prosecution. That's constitutional. A citizen can hire a legal counsel. That's constitutional. Lying under oath about a constitutional right to privacy is constitutional.

The Bible should be our guide on this matter. The Constitution is not the Bible.

Sincerely,

THOMAS HENDERSON

Mr. SPEENCE. 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 made and 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 and reviewing the actions on which this resolution is based. 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: an overview.

Article I—President Clinton willfully corrupted and manipulated the judicial process, in that, he willfully provided perjurious, false and misleading testimony to the 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 to the Federal Grand Jury, which I shall summarize:

H. Res. 611 outlines four articles as the basis for impeachment, which I shall summarize:

1. Article I—President Clinton willfully provided perjurious, false and misleading sworn statement to a federal grand jury investigating the possibility of criminal activity. The investigation concerns the activity 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 have spoken from our military service in 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 are expected to accept 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 be asked to follow a morally defective leader with a demonstrated disregard for his troops? 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 violated that covenant.

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. In fact, the very fact that there is any precedent at all for an impeachment inquiry is evidence of the Congress' approval of the concept. It must be emphasized that even the limited number of articles brought against him by the Committee on the Judiciary concer...
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 designed to study, Mr. Clinton’s isolationist, homophobia, and racial activist friends regard the services as mere political props, useful only for showcasing petty identity group grievances. It is no coincidence that the media have ignored one military scandal after another during the Clinton years. This politically-driven shift of focus, from the military mission to the theater 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 is not new, but it is not imperishable, particularly if an attentive Cong- ress can limit the extent of Clinton-induced damage. As officers and gentlemen, we have therefore continued to march, pretending to respect our hypocrite-in-chief.

Then came the Paula Jones perjury and the ensuing Starr Report. I have always known that Clinton is integrity impaired, but I never thought even he could be so depraved, so contemptuous, as to conduct military business as described in the special prosecutor’s report to Congress. In that re- port, we learn of a telephone conversation between Mr. Clinton and a congressman in which he expressed our Bagram deployment. During that telephone discussion, the Commander-in-Chief’s pants were unzipped, and Monica Lewinsky was busy sav- ing 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 Mr. Clinton’s ill-fated Beirut mission led to the careless loss of 241 Ma- rines in a single bombing, few questioned his love of country and his overriding concern for American interests. But should Mr. Clin- ton 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 way. The alternative was that Mr. Clinton, this president—who ignores national security interests, who appeases Iraq and North Korea, and who fights like a leftover Soviet officer—would lead us into military strikes, was simply implausible. And no amount of scripted finger wagging, lip biting, or mention of The Children by this highly skilled perjuror can convince me oth- erwise.

In former words, Mr. Clinton has demonstr- ated that he will risk war, terrorist at- tacks, and our lives just to save his dysfunctional administration. What might his mo- tives be for conflict? Blackmail? Cheap political payoffs? Or—dare I say it— simply the lazy blundering of an instinct- ively 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 madman who will risk our nation. I believe presidential candidates should be required to undergo background investiga- tions, as is normal for service members. I do know, however, that Bill Clinton would not pass such a screening. Recently, I received a phone call from a military investigator, who asked me a variety of character-related questions. The Marine, who is also a friend, needed to update his top-secret clearance. Afterward, I called him. We marveled how lowly reservists like us must pass complete background checks before routine deployments, yet the guardian of our nation’s nuclear button could not pass such a scrutiny.

We know, however, that Bill Clinton would not raise the question of whether this president has simply been involved in petty identity group grievances. It is not that President Clinton denied an improper, intimate relationship with Monica Lewinsky. He admitted that rela- tionship, and the whole world saw his testi- mony to that point when the grand jury testimony was played. Instead, the perjury prosecution comes down to Monica Lewinsky’s assertion that there was a reciproc- al nature to their relationship, and that the president touched her private parts of her body. She says, “He did.” He said that he didn’t.

According to the expert prosecutors, this kind of dispute would never be prosecuted. To quote Mr. Richard Davis, a distinguished and experienced prosecutor from New York City, “In the end, this is that the President igno- ring the cost of a prostitute. This is the ugly business of the Oval Office. We are entitled to a president who at least respects us—not one who cannot be bothered to remove his penis from a subordinate’s mouth long enough to dis- cuss our deployment to a combat zone. To subject our services to such debased leader- ship is nothing less than the collective spit of the entire military services.”

Bill Clinton has always been a moral coward. He has always had contempt 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 monica Lewinsky is only one pimple in a long line of presidential weakness.

The enduring goodness of the American military character over the past two cen- turies does not automatically derive from our nation’s nutritional habits or from a college dropout I would not want to see in command of our forces. Character must be developed and supported, or it will die. Already we are seeing declining enlist- ment and a 1970s-style disdain for military service, a short-sightedness made worse by the alternative. Our military’s heart and soul can survive lean budgets, but they cannot long survive in America that would trade its dependability for showmanship. The great- est threat to the American military character over the past two centuries does not automatically derive from the president’s disingenuous feminist, homosexual and racist agenda.

It is unbelievable to me today that President Clinton still continues to lie about his affair. He continues to deny that he had a sexual relationship with Ms. Lewinsky.

December 19, 1998

CONGRESSIONAL RECORD – HOUSE

H12007

Mr. PITTS. Mr. Speaker, it has been several months since I called on the President to re- sign from office for the good of the country and the honor of the Presidency. Today I will cast my vote in favor of his im- peachment because to this day he has re- fused to live up to the honor demanded of that office.

Mr. SANDLIN. Mr. Speaker, yesterday, I lis- tened as Members explained that the reason they were voting to impeach President Clinton was because he had committed perjury. The fact of the matter is—and the record is clear and undisputed—that the President did not commit perjury. The Articles of Impeachment do not actually accuse the President of perjury.

Let’s be very careful and clear about this loose talk of perjury. Whatever you may think about President Clinton, I have been impressed with Bill Clinton of having committed perjury—neither in his own statement to the committee on November 19 nor in the OIC Referral sent to the Con- gress on September 9.

Everyone seems to have forgotten the testi- mony of the five expert prosecutors who ap- peared and testified before the Judiciary Com- mittee. Three served in Republican adminis- trations at the top levels of the Justice Depart- ment; two served in Democratic administra- tions. They were unanimous in agreeing that the evidence against Mr. Clinton could not support a perjury charge and that no responsible prosecutor would ever bring such a charge.

Let me quote Thomas P. Sullivan, the U.S. attorney from the Northern District of Illinois from 1977 to 1981, someone who has had 40 years of experience in the criminal justice system. He testified, “It is not perjury for a wit- ness to evade or frustrate or answer non-re- sponsively. The evidence simply does not sup- port the notion that the President knowingly committed perjury, and the case is so doubtful and weak that a responsible prosecu- tor would not present it to the grand jury.”

What are we really talking about in Article One when President Clinton is charged with “willfully making false statements or omissions, and willfully giving misleading testimony”? It is not that President Clinton denied an improper, intimate relationship with Ms. Lewinsky. He admitted that rela- tionship, and the whole world saw his testi- mony to that point when the grand jury testimony was played. Instead, the perjury prosecution comes down to Monica Lewinsky’s assertion that there was a reciproc- al nature to their relationship, and that the president touched her private parts of her body. She says, “He did.” He said that he didn’t.

According to the expert prosecutors, this kind of dispute would never be prosecuted. To quote Mr. Richard Davis, a distinguished and experienced prosecutor from New York City, “In the end, this is that the President ignores defense issues, except as serves the destructive goals of his extremist supporters. His behavior with monica Lewinsky is only one pimple in a long line of presidential weakness.

The enduring goodness of the American military character over the past two cen- turies does not automatically derive from the president’s disingenuous feminist, homosexual and racist agenda.
He continues to deny that he has lied under oath.

Does he believe that the subject of his words make the truth of his words irrelevant? The fact that he had an affair is not the issue. Yet, when both the President—in swearing to tell the whole truth and nothing but the truth—disregards his oath, he fails to meet the high moral standard example demanded of our President.

Thus, such disregard for the rule of law demands impeachment action by the Congress of the United States.

For, as Chairman Hyde has said, in this country, justice depends on the enforceability of the oath.

According to the evidence that I have reviewed, I see no option but to recognize the President's actions as perjurious, and to conclude that he has obstructed justice and abused the power that he has as President of the United States.

There are more than 115 people in federal prison for perjury in this country.

Should it not be the American people who would lead our nation with integrity and honesty be allowed to be treated any differently for charges similar or worse than those of individuals who have been convicted—solely because his position of power? the President is not a king.

America was built on the ideal of equal justice. That ideal must apply equally to everyone, including the President.

As a Member of Congress, the very first of my duties was to swear an oath to uphold the Constitution.

My duty this week goes beyond the normal task of making law and directly reflect my sworn duty to maintain the integrity of the Constitution and apply the rule of law, which has held this nation together since its birth more than 200 years ago, to the illegal actions of the President.

I soberly take part in this process with the weight of responsibility to the Constitution on my shoulders.

Mr. FRANKS of New Jersey. Mr. Speaker, it is with a profound sense of sadness that I stand here today. All of us wish that the events connected with this matter had never occurred. But they did.

Today, we are being asked to stand in judgment and decide whether William Jefferson Clinton should become only the second president in our Nation's history to be impeached. It is the most agonizing decision I have ever been called upon to make.

As we address this matter, we must 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 impeaching the man charged with a political leader, but to preserve the integrity of our institutions of government.

In order to meet our solemn responsibility, we must put aside public opinion polls and avoid the temptation to pursue the politically expedient course. Our responsibility is clear—we must uphold the Constitution of the United States.

America is a government of laws—not of men. No individual—not even the President of the United States—is above the law. These are the principles embodied in our Constitution. It's what we teach children every day in classrooms across America.

The evidence presented to this House lays out a compelling case that President Clinton committed perjury on two separate occasions and personally engaged in conduct to obstruct justice.

I recognize that some Americans question whether perjury and obstruction of justice constitute adequate grounds for impeachment. I've tried to very carefully. And in the final analysis, it comes back to a basic principle—no American is above the law. Perjury and obstruction of justice are direct attacks on the government's ability to dispense justice. Lying under oath undermines the very foundations of the United States. If Congress fails to confront President Clinton's violations of the law, we would fail to meet our obligation under the constitution. We would be telling America, particularly our nation's young people, that the crime of perjury, even when committed by the President, is acceptable in certain situations. Equally devastating, we would be holding the President of the United States to a different standard of justice than ordinary citizens.

I want to remind my colleagues and the American people that we are voting on impeachment not because the Republicans control Congress or because the Independent Counsel was overzealous. We're here because William Jefferson Clinton—our Nation's chief law enforcement official—has subverted the judicial process and violated the laws he swore to uphold.

Through his actions, the President—and the President alone—led the nation down the painful path toward impeachment. And he, and he alone, has been in a position to spare the Nation the ordeal of an impeachment trial in the United States Senate.

Over the past 2 weeks, I've 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.

On December 3d, 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.

On the eve of this debate, I wrote to the President one more time and called on him to tell the truth, the whole truth and nothing but the truth.

Tragically, President Clinton continues to put his own self interest above America's interests. The President appears to be more concerned about avoiding criminal prosecution after he leaves office than he is about sparing the nation the ordeal of an impeachment trial.

The failure of the President to come forward and publicly admit that he has broken the law, compels me to vote for impeachment articles 1, 2, and 3 which are before the House today.

I want to issue one final plea to the President. It is not too late to demonstrate real personal and moral leadership. Save the Nation the trauma of an impeachment trial and save your Presidency. Admit that you broke the law and violated the trust of the American people.

Mr. THOMPSON, Mr. Speaker, I rise today to speak on the behalf of my country and my party. I do not come to this floor easily—indeed, I am disheartened that we are here today debating impeachment while our Armed Forces are engaged in fighting in the Middle East. I am disheartened that a distortion of the legal facts has brought us to this point today. Impeaching the President according to the Constitution can only occur when that individual is guilty of high crimes and misdemeanors. I strongly feel President Clinton has neither violated the fundamental principles of the Constitution nor is he guilty of a high crime or misdemeanor. He has not threatened the security of our nation and this impeachment is not based on treason, bribery or a threat to our democracy. This impeachment is based on partisan party politics. Let me remind those who would support impeachment of the presumption of innocence until proven guilty is central and basic to our system of justice. This impeachment is predicated on perjury which has not been proven. I urge my colleagues to remember the words of Martin Luther King, Jr., who said that "injustice anywhere is a threat to justice everywhere . . . whatever affects one directly, affects all indirectly." Mr. LIVINGSTON'S resignation proves the effect of his injustices affecting his status. As in all prior impeachments, the allegations concerned official misconduct not private misbehavior. In all of American history, no official has been impeached for misbehavior unrelated to his official responsibilities. The Founding Fathers did not intend impeachment or the threat of impeachment to serve as a device for nullifying a duly elected President just because the Congress disagrees with him. Again, I say the President has not committed a crime or misdemeanor and should not be impeached.

In face of this turbulent time for America, Bob LIVINGSTON's decision to resign from Congress and relinquish his position as Speaker of the House only demonstrates his personal shame for his own misdeeds. His action does not lend any credibility to this procedure against the President.

America is a great country. I hope this impeachment attempt—this attempted coup d'etat, does not begin a downward slide to our economy, our image, and our morale. I urge my colleagues to vote against impeachment.

Mr. STARK, Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD a letter that I received from Mayor Roberta Cooper of Hayward, CA. Mayor Cooper writes to express the sentiment that runs strong in my district that the impeachment proceedings being conducted by House of Representatives are not in the best interest of our Nation and not supported by our citizens.

H12008

CONGRESSIONAL RECORD — HOUSE

December 19, 1998

Hon. PETE STARK, Member, House of Representatives, Cannon Office Building, Washington, D.C.

DEAR PETE: On the issue of the partisan driven Presidential Impeachment, its time for you and the members of California Congressional Delegation to hear from us at home!

Frankly, the speed at which this proceeding is proceeding, it's as if the voice of the American people has fallen on deaf ears and blind eyes!

Doesn't Congress see that President Clinton's ratings, among the American people, are holding steady?

Can't Congress grasp the fact that we've had enough?

Isn't it glaringly clear that pursuing this matter with the level of ruthlessness and aggression can ultimately serve no greater public good?

Is Congress completely blind to the fact that the collective mind and spirit of the United States of America will suffer a massive societal depression should it succeed in its effort to destroy President Clinton? Is it Congress's intention to bring the citizens down with the President?
I am extremely troubled by the far reaching implication and tremendously adverse outcomes presented by this partisan feeding frenzy should it succeed.

I implore you to tell your colleagues to know that we strongly object the proposal to impeach the President and urge that this matter be resolved by means other than impeachment.

Sincerely,

ROBERTA COOPER,
Mayor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, throughout this long process as I have listened to this divisive debate, I have had to wonder about the legacy of the 18th Congressional district. The first person to hold this seat was the late Congresswoman Barbara Jordan. She was a member of the Congress in 1974 during Watergate, and she was a member of the House Judiciary Committee.

I have been careful not to mischaracterize her thoughts or words during these serious and troubling times. However, throughout the debate it seems at every moment the Republican majority continues to mislead Mr. Jordan's comments.

I think it is important to acknowledge the remarks she made today, and the impact that those words will have on the actions we take today. In her July 24, 1974 speech, in citing the Federal Constitution, she noted that “the Framers confined in the Congress the power if need be, to remove the President in order to strike a balance between a president sworn with power and grown tyrannical...” This is not the case today.

She said impeachment was limited to high crimes and misdemeanors, as she cited the federal convention of 1787. Finally, Ms. Jordan sheds light on what she might have thought of today’s proceedings as she states “A President is impeachable if he attempts to subvert the Constitution.” I think it is important for Congress to hear these words that the late Barbara Jordan gave on July 24, 1974.

A sense of the Congress resolution on censure is not unconstitutional, it is not prohibited by the words of the Constitution. It is not specifically noted in the Constitution, but however neither are postal stamps, education, or social security. This resolution is germane and constitutionally sound. Mr. Speaker please rule and allow a free standing resolution of censure to be voted on by this House—do not deny the will of the people.

The Bible, Mark 3:25, teaches that “[i]f a house be divided against itself, that house cannot stand.” It’s time to stop the malicious attacks because surely, we will all perish. It is time to close ranks and get back to the business of America. It is time to heal this Nation. Today more than ever the American people’s faith in the Constitution do not deny their will.

We need to begin that healing process now to return America to greatness.

Mr. HOBSON. Mr. Speaker, I will vote to impeach the President because by committing perjury he has a misdemeanor, he has violated the Constitution and has undermined the rule of law, which is the foundation of our society.

The lifeblood of our legal system is honest testimony. When falsehoods are tolerated then the system cannot function. Perjury, therefore, cannot be dismissed as a minor infraction, but instead is a serious felony offense because it undermines the very existence of our system of justice. Accordingly, I will vote for the first article of impeachment.

The second article of impeachment relates to the President’s alleged false testimony in a civil lawsuit which has been settled out of court. Perjury in a civil lawsuit is a serious offense as well and, if adequately proven, would warrant criminal prosecution. However, I do not believe the evidence presented is adequate to reach the threshold of an impeachable offense.

The third article of impeachment alleges the President obstructed justice by, among other actions, engaging in a scheme to conceal and willingly encouraging his employees to provide false testimony in order to help conceal his pattern of lying under oath. This is a misuse of power and a very telling sign of the lengths to which the President was willing to go to subvert the legal system he swore to uphold in order to hide his crimes. Article III deserves the support of the House.

The last article of impeachment charges the President with contempt of Congress for presenting inaccurate testimony in response to written questions submitted to him by the House Judiciary Committee. Though a serious offense, the evidence that the Judiciary Committee does not reach the necessary standard of “clear and convincing” in order to justify impeachment.

The President’s lies under oath do a disservice to the memory of those who brought us the freedom of speech and enshrine the hopes of future generations who will one day enjoy those freedoms. He has also demonstrated a belief that he is above the law he has sworn to uphold and enforce. Nothing is further from the truth.

The success and longevity of our republic are due to its foundation upon principles tested by time, not specific people or personalities. One of those principles is that Americans are equal under the rule of law. No one is exempt from this standard.

Our democracy will survive this difficult time because its founding principles will endure long after the players in this current drama pass from the scene, and it will be stronger for having gone through this struggle.

Mr. INGLIS of South Carolina. Mr. Speaker, as I look back at the polling for the last time as a Member of this House, I’m thankful that the House has done its duty. We’ve kept the Republic; we’ve met our day of obligation.

The Speaker-elect Mr. LIVINGTON’s dramatic resignation today on the House floor has shined the light of truth and honor on the deception that private conduct does not affect public morality and on the lie that a civilization may persist where wrongdoing is devoid of consequences. Repentance accompanied by acceptance of consequences precedes true healing.

May our Land be healed as John Adams words ring down through history: “Our Constitution is meant for a moral and religious people and is wholly adequate for the government of any other.”

Mr. CLEMENT. Mr. Speaker, I rise today with a heavy heart, a clear conscience, and a strong resolve to move our nation forward. As we stand on the edge of the 21st century, a veil of darkness hangs over our democracy. Indeed, let no member of this institution nor the American people minimize the gravity of today’s events. We are about to cast our votes on whether or not we want to impeach the President of the United States for only the second time in the history of the republic.

The American people minimize the gravity of President Bush. Yet, it is not only Bush’s actions that are censure, fine, or criminal indictment after he leaves office.

Peter Rodino, who presided over the impeachment hearings of Richard Nixon, has said that President Nixon was impeached because of “the totality of the many actions which resulted in grave harm to the republic, which permitted to go on, would have destroyed the constitutional system.”

If the President had stolen taxpayers’ dollars or sold classified information to a foreign government, I would not hesitate to vote for impeachment. But do Members honestly believe that President Clinton’s actions have resulted in grave harm to the republic and would destroy our constitutional system if he is allowed to remain in office? Or do you believe, as I do, that President Clinton’s conduct, while appalling, is not sufficient to constitute an impeachable offense under our Constitution? If so, then you must vote no. Impeaching this President over his personal failings would be a greater threat to public confidence in government and the rule of law than all of his misdeeds.

Let’s close this regrettable chapter in our nation’s history and get on with the business of the American people.

Mr. McINTOSH. Mr. Speaker, after weeks of reviewing the evidence, quietly reflecting, and praying a few days ago I reached the decision that I would be voting in favor of impeaching President Clinton. I came to this decision only after a thorough review of documents from the House Judiciary Committee’s investigation along with Independent Counsel Kenneth Starr’s report to Congress and information supplied by the White House.

Although I have criticized the President frequently in the past because of his policies, I will cast these votes with a heavy heart. Nothing in Congress can heal our nation from the injury it has sustained. Nothing that Congress can do will restore the honor of the office of the presidency previously held.

But there is one thing which our Constitution does allow Congress to do, and which I believe Congress must do.

Before I explain why I believe we must do that, I want to make one thing clear: censure will not do. What has happened over the past year represents a blow to our Constitution, and only a Constitutional solution will bring integrity back to our democracy.

A censure resolution will not unify our nation. Many of us feel that a censure would be...
Bribery, or other high Crimes and Misdemeanors of the Constitution. The four articles passed by the Committee make very serious charges.

Article I asserts that William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning the nature of his relations with a subordinate; concealed, false and misleading testimony given in a Federal civil rights action brought against him; concerning prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and concerning his corrupt efforts to influence and to impede the discovery of evidence in that civil rights action.

Article II asserts that William Jefferson Clinton willfully provided perjurious, false and misleading testimony in response to questions in a Federal civil rights action concerning conduct and proposed conduct with subordinate employees; and to a Federal judge concerning the nature and details of his relationship with a subordinate; his knowledge of that employee’s involvement and participation in the civil rights action; and his right to use and abuse the testimony of the subordinate employee, and to impede the discovery of evidence in that civil rights action.

Article III asserts that William Jefferson Clinton prevented, obstructed and impeded the administration of justice, and engaged in a course of conduct designed to delay, impede, cover up and conceal the existence of evidence and testimony related to a Federal civil rights action by encouraging a witness to execute a sworn affidavit he knew to be perjurious; encouraging a witness to give false testimony; concealing evidence, false and misleading testimony given in a Federal civil rights action brought against him; concerning prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and concerning his corrupt efforts to influence and to impede the discovery of evidence in that civil rights action.

Article IV asserts that William Jefferson Clinton engaged in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the legislative branch and the truth-seeking purpose of an investigate proceeding by refusing and failing to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in his response.

I think it is clear that if we study the evidence with an open mind we will see that these actions do qualify as high crimes and misdemeanors and that it is absolutely necessary for our judicial system to work. It is all the more important to our liberty that we insist that the President, whose job it is to see that the laws are faithfully executed, and the other branches of government, to see that the laws are followed. This underscores the need of our Constitution to be viewed with an open mind.

And here it is very important to say that we cannot make exceptions for sex. Many will argue that sexual matters should never enter the courtroom or the public domain. But I disagree with this. The times when it was ok for male employers to hit on their female subordinates, and then lie about it and not suffer any consequences, are long gone.

We cannot have a different standard for the President than citizens. Any teacher, military officer, company executive, or other person in a position of responsibility or leadership would have been immediately fired for the sort of charges brought against Mr. Clinton. To create a lower standard for Clinton is equivalent to setting him above the law. This underscores the core of Constitutional democracy, in which the people are governed by laws, not kings or queens.

Further, not keeping the President to the same standard as the rest of the nation strikes me as fundamentally inconsistent. Allowing leaders to turn public office into their private playgrounds is the sort of thing that were appropriately associated with banana republics. We have always sought a higher standard, and have defined ourselves as a nation that does not tolerate corruption in its highest levels.

I would like to make reference to a recent letter signed by 96 scholars, lawyers and former government officials, including former Attorney General (Carter administration) and Edwin Meese III (Reagan administration), former Judge Robert H. Bork, former Education Secretary William J. Bennett, Steven Calabresi (Northwestern University law school), and other luminaries. They assert that, not only will impeaching the President not hurt the presidency, but that not doing so would cause irreparable harm to the presidency. They also counter the argument that this vote is against the will of the people: “The Constitution was made in order to remove from a President who engages in sexual relations with a very young college intern, then lies to the American people about it, then encourages his subordinates to lie about it, then lies to the courts about it, and finally attempts to obstruct those whose job it is to investigate him.”

It is not surprising that Mrs. Lechien’s son wants to be able to do the same things that the President does. In his mind, the Presidency is the pinnacle of power and honor in the adult world. If the President is allowed to do what others can do, he will think, anything goes. It imagines that every parent would be thrilled to hear his or her children say they aspire to become President. But with Bill Clinton’s actions, the holder of that office is no longer an unambiguously good role model.

America stands at the threshold of a new century, and as we take this vote, we also stand at a crossroad. One leads to the principles that are contained in our Declaration of Independence and our Constitution—justice, decency, honor and truth. These are the principles that for over 200 years have formed our actions as to earn the admiration of the world and to gain for the United States the moral leadership among nations. The other path leads to expediency, temerity, self-interest, cynicism, and a disdain for the common good. This road will inevitably end in shame, dishonor, and abandonment of the high principles that we as a people rely upon for our safety and happiness. There is no third road. So this is a defining moment for the presidency and for the Members of this House.

I believe that Americans need leaders who will take us to that first path, the path of honor. Americans are yeaming in their hearts for higher standards of conduct by our leaders—true fidelity to the Constitution, moral character in their private lives, and integrity being honest with the American people.

As we vote today, we must be true to our God, true to our Constitution, true to the American people, and true to ourselves. Sadly, fidelity demands of us that we vote in favor of these articles of impeachment.

Mr. ALLEN. Mr. Speaker, President Clinton has disgraced himself and diminished the office he holds. While this House may not censure Bill Clinton, history will.
But by failing to respond in a fair and measured way to the President's conduct, the Republican leadership has assured that history will also condemn the 105th Congress.

Others in this debate have made the point simply: the proven offenses are not impeachable and the impeachable offenses are not proven.

"To depose the constitutional chief magistracy of a great nation, elected by the people, on grounds so slight, would "* * * be an abuse of power."

These are not my words, but the temperate statement 130 years ago of a Maine Republican.

William Pitt Fessenden was one of seven courageous Republican Senators who voted against the attempt by the Radical Republicans to remove Andrew Johnson from office in 1868.

Fessenden understood the meaning of the Constitution's words, "treason, bribery, or other high crimes and misdemeanors."

An impeachable offense, Fessenden said, must be "of such a character to commend itself at once to the minds of all right thinking men, as beyond all question, an adequate cause for impeachment. It should leave no reasonable ground of suspicion upon the motives or the penalty."

Fessenden knew what the framers meant and what the distinguished chairman of our Judiciary Committee professed to believe at the outset of this inquiry—a partisan vote of impeachment will be forever suspect.

History will, as people across America and around the world already know, that there is more than "reasonable ground of suspicion upon the motives" of the Republican leadership of the 105th Congress.

Just as the Radicals of 1868 abandoned the principles of Abraham Lincoln in pursuit of a political vendetta, they have ignored the wise counsel of cooler heads like Gerald Ford and Bob Dole and recklessly abused the awesome power of impeachment for partisan purposes.

December 19, 1998 will go down with February 24, 1868 as sad days for America.

More than the tawdry behavior admitted by Bill Clinton, today will be remembered for the failure of this Congress to honor our constitutional republican act with fairness and justice before recommending removal of a President elected by the people.

Let us all pray that the Senate has enough William Pitt Fessenden to correct the mistake this House will make today.

Mr. STARK. Mr. Speaker, today I rise in strong opposition to the impeachment proceedings. Impeachment of President Clinton is not warranted by the facts of this case.

Although the Republicans have couched their attack as a search for justice, obstruction of justice, abuse of power and their constitutional duty to do the "right thing," this proceeding is in fact a political move to use private, consensual sexual conduct to subvert the constitution and remove a President.

Our constitutional impeachment as a mechanism to remove a President for crimes against the state such as "treason, bribery, and other high crimes and misdemeanors."

The allegations in the Starr referral, even if asumed to be true, do not rise to the level of impeachable offenses. On this point, almost 500 constitutional law professors and American historians agree. Yet, we proceed with the impeachment process as if compelled to do so by our constitution.

It is not, however, the constitution which compels today's action: it's not even partisanship that brings us this sad day. Beyond partisanship, this majority leadership has abused their power in a dictatorial manner to impeach a President to satisfy a small block of right wing conservatives. The majority leadership hypocrisy the readership of this body to allow a vote on censure, an option that has the clear support of the American public, because the conservation faction demands impeachment.

When the House completes this frenetic activity this week, only history will judge our activity. There will be no avoiding the fact that this whole process has been propelled by a small group obsessed with political revenge, not crimes against the state. This is not what the framers intended or what the people want.

Today defines the GPO as a group of vindictive, reactionary pharisees. It is a sad day for our country.

Mr. POMBO. Mr. Speaker, I quote:

On January 20, 1993, William J. Jefferson Clinton took the oath prescribed by the Constitution of the United States to faithfully execute the office of President; implicit in that oath is the obligation that the President set an example of high moral standards and conduct that fosters respect for the truth; and William J. Jefferson Clinton has egregiously failed in this obligation, and through his actions violated the trust of the American people, has lessened the respect for the office of the President, and dishonored the office which they have entrusted to him.

(A) William J. Jefferson Clinton made false statements concerning his reprehensible conduct with a subordinate;

(B) William J. Jefferson Clinton wrongfully took steps to delay discovery of the truth; and

(C) in as much as no person is above the law, William J. Jefferson Clinton remains subject to criminal and civil penalties.

These are not the words of the Articles of Impeachment but the words of the Democrat resolution which was approved unanimously by the Democrats on the House of Representatives Judiciary Committee. Even President Clinton acknowledges that our language is clear and to the point.

We all agree that the President committed these crimes, and yet there is great debate over impeachment.

The President's defenders claim that this issue is only about a consensual sexual relationship. Tell that to Paula Jones. Her case and conduct of the 105th Congress that brings us this sad day. Beyond partisan differences, I cleared my head and made a decision based on facts, not emotion. I read the report, supporting documents and the conclusion the committee came to.

I made the decision to support the four articles of impeachment, not as a matter to punish Bill Clinton, but to protect the rule of law. Future presidents and congresses will look at this precedent to determine the proper behavior of those presidents and congresses. Perjury on multiple occasions, obstruction of justice, abuse of power, false statements to a federal grand jury meet the presentations by all sides, I have come to the conclusion that the President committed these offenses and Bill Clinton and no future President should be allowed to hold office after having committed these offenses.

Mr. CASTLE. Mr. Speaker, I had hoped not to have to make this statement today, but I love this country and our democratic institutions, which are the strongest and most unique in the world. I have the highest respect for the Office of the President, and I respect the talents and accomplishments of President Clinton, with whom I have worked on a number of important national issues. My respect for much of the President's work makes this decision even more difficult. Yet, based on a careful review of the evidence in the record, watching the Judiciary Committee hearings and listening to the presentations by all sides, I have come to the conclusion that the evidence is clear and convincing evidence that the President's material false statements to a federal grand jury meet the standard for impeachment and I will vote to refer Impeachment Article One to the United States Senate. I intend to vote against Articles Two, Three and Four.

This is certainly the most difficult decision I have faced in thirty years of public life. It has been personally agonizing for me and it has also tremendously affected the people of Delaware and our nation. In the last week alone, I have received more than a thousand letters, e-mails and phone calls from people in Delaware on this issue. I have never seen this number of heartfelt comments and this level of intensity in the arguments from people on both sides of any issue. Delawareans have not reacted purely along partisan lines. I have heard from people who describe themselves as "life long Democrats" who believe the President should be impeached. I have also heard from Republicans who have urged me to vote against impeachment. Individuals have shared their experiences of having to testify in legal proceedings, painful stories of their children about the President's behavior. One man said it was the first time in fifty years that he moved to write to a public official. Their words...
I delayed my decision as long as possible to review the evidence carefully and also to attempt to find a solution that would be fair and just. I would allow us to end the turmoil that has enveloped our nation. No one wants this process to go on any longer than necessary. I still believe that a strong censure and financial penalty could be a solution to bring this matter to a close in the best interest of our nation.

Nevertheless, it is clear that the President acted deceitfully in attempting to hide his adulterous sexual relationship with Monica Lewinsky. He made false statements in his deposition before a federal judge in the Paula Jones lawsuit; he made false statements to his staff, his Cabinet and the American people. Finally, he made false statements before a federal grand jury. In short, he lied to all of us. The President's wounds are self-inflicted. One can almost understand his initial effort to hide his sexual affair which was wrong, but certainly not impeachable. However, he continued to weave a fragile pattern of deceit which he allowed to build to the point where he was thinking dishonestly to the public, but he continued them before a federal grand jury.

It is critical to note that the President's lawyers have not attempted to rebut the essential facts of any of the allegations. The only question that remains is whether the President's lies and other steps to hide his relationship with Miss Lewinsky posed the type of threat that the Founding Fathers envisioned when they provided for impeachment of the President in our Constitution, the greatest democratic document in the world.

In reviewing the Articles of Impeachment, I believe that the most troubling issue is in Article One—whether the President made material false statements under oath to a federal grand jury on August 17, 1998. I have reviewed the President's grand jury testimony and the arguments on both sides regarding this issue. The President had months to deliberate over the grand jury and to prepare his testimony, he was permitted to have his attorney present—a privilege no other person would be afforded—and to set a time limit on his testimony. In short, there was little chance the President could be surprised. Nevertheless, he was able to look for breaks to confer with his attorney. So it is especially disturbing that in his testimony, he continued the pattern of false statements and evasions regarding his relationship with Miss Lewinsky and his efforts to conceal it. He did not tell the truth in his grand jury testimony. That is the inescapable fact that troubles so many Americans because it poses a real threat to the credibility of our legal system and raises the question of the President's fitness for office.

I have known President Clinton for over a decade. We have worked together on a number of policy issues when we served as governors and since he became President. He is very capable on policy matters. In meetings with the President, I have seen him display an excellent recall of policy details on complex issues. Because I have seen this sharp intellect and memory in other settings, it is difficult for me to believe his statements to the grand jury. This is a critical key evidence in understanding his own actions in the Lewinsky matter. It is necessary to conclude that whatever happened prior to his grand jury testimony, the President had the opportunity to set the record straight and tell the truth and he chose not to do it.

The evidence supporting Impeachment Articles Two, Three and Four, while showing the President's testimony in the Paula Jones deposition, his discussions with Betty Currie and Monica Lewinsky about their potential testimony in the Paula Jones proceedings, the handling of the gifts the President and Ms. Lewinsky exchanged, and the President's responses to the questions from the Independent Counsel. However, I believe that the case for these Articles is not strong enough to merit sending them to the Senate for trial. The President may be guilty of wrongdoing in these matters, but he can remain liable for civil and criminal penalties for those actions after he leaves office. This whole episode has been terribly sad for the entire nation. But the unfortunate fact is that the President's own reckless behavior has led us to consider numerous times during the past year when the President could have ended this matter by telling the unvarnished truth, especially before the grand jury. At that time, even some of the President's strongest supporters warned that lying before the grand jury could very well be grounds for impeachment. It was his decision to continue to shade or avoid the truth and rely on questionable definitions to defend his actions. In the end, his answers were not, as he insisted, "legally accurate."

I do believe that the Independent Counsel law is flawed and should be reviewed carefully and possibly terminated. This investigation has gone on too long and cost too much. Yet, the President's own denials and refusal to provide answers by invoking executive privilege prolonged the process. Most important, the essential findings of the investigation have not been disputed.

I am particularly saddened by these events because I have had a positive working relationship with the President and am proud to have worked with him to enact the 1994 crime bill, the 1996 Welfare Reform Act, the 1997 balanced budget agreement and other positive legislation for the nation. President Clinton is a talented politician. But, I am convinced that President Clinton is not a leader who will continue to shade or avoid the truth and that his lies led others to do the same. It is these facts that affect Americans so deeply and that I can not ignore. My unavoidable obligation is to hold the President accountable for his actions as required by the Constitution.

Mr. LUTHER. Mr. Speaker, the United States Constitution states that "The President shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." Clearly, consideration of the impeachment of a democratically elected President is one of the most serious duties of a Member of the United States House of Representatives.

Because impeachment overturns a national election, the framers of the Constitution set a very high threshold so that our head of state would not be removed for political expediency. They intended impeachment to be the ultimate check in our system of checks and balances so we would never have a President destroy our democracy, reign as a despot, or emerge as a king.

In the case against President Clinton, I have reviewed the Independent Counsel's allegations as well as voluminous other information on the subject. I have also heard from many constituents and listened to the debate. It is undisputed that the President's conduct was wrong. It is also quite clear that some people in and out of Congress see this as an opportunity to rid themselves of a President they have never liked.

Impeachment, however, is reserved for Presidential action that threatens the very nature of our democracy. The framers of the Constitution considered other possibilities, but they settled on the well known phrase, "Treason, Bribery or other high Crimes and Misdemeanors" and chose not to allow impeachment for lesser offenses that do not threaten our system of government. After reviewing all of the information available, I have concluded that President Clinton's actions, however reprehensible, do not come close to that level.

I nevertheless believe the President should be held accountable for his actions. In my judgment, former Senate Majority Leader Bob Dole's suggestion to convert the Articles of impeachment into censure resolution is a sound alternative. Allowing a vote on this approach would enable each member of Congress to truly vote his or her conscience on this issue. Because a vote for censure will not be allowed...
in the House and since the only votes will be on impeachment, I will vote against the Articles of Impeachment.

If the House impeaches the President, it will be up to the Senate to determine how best to proceed with this matter. In that event, I believe we will end this media circus just as quickly as possible in order to get back to work on the other important issues facing our country.

Mr. WALSH. Mr. Speaker, I submit to the House December 19, 1998 editorial from the Syracuse Post-Standard entitled “Duty Calls” relating to the impeachment process presently before us.

I ask my colleagues to carefully review this thoughtful and insightful piece.

Duty Calls

If laws are to have worth, the House must vote to impeach the President.

It is regrettable that the impeachment process never quite reached a high-minded tone of solemn purpose and bipartisanship, as those responsible for conducting it had vowed it would be.

It is vexing that a majority of American people, in their response to the media circus which surrounds our president, will have shown brazenly that power begets exceptions to the law whenever those in power decide the lawless act is too trivial for pursuit.

The House Judiciary Committee in votes almost strictly along party lines, has sent four articles of impeachment to the full House. The members will begin to debate them Thursday. Assent by a simple majority of the representatives on any one of the articles will result in Clinton's impeachment.

The first two articles, in contrast, have abundant supporting evidence. They accuse the president of perjury. Further, they note that Clinton lied to Congress, lied to the American people, and lied to the American people with the knowledge of his aides.

The first two articles, in contrast, have abundant supporting evidence. They accuse the president of perjury. Further, they note that Clinton lied to Congress, lied to the American people, and lied to the American people with the knowledge of his aides.

I also believe that our founding fathers did not intend for impeachment to be used as a political tool. It was not intended as a mechanism to prosecute the President for crimes committed. This view was clearly articulated by Alexander Hamilton, when in the Federalist No. 65 he writes, “The punishment which may be the consequences of conviction upon impeachment, is not to terminate the chastisement of the offender. After having been sentenced to a perpetual ostracism from the esteem and confidence, and honors and emoluments of his country, he will still be liable to prosecution and punishment in the ordinary course of law.”

I do not believe the founding fathers did not intend for impeachment, itself, to be the punishment. The debate clearly indicates the framers belief that the prosecution of crimes remain within the Judicial branch, not the Legislative branch. Nowhere did the founding fathers suggest that impeachment or any other Constitutional process for that matter, be used to prosecute a President. Rather, they held the President should be subject to the scrutiny and prosecution of the criminal justice system, just like any other citizen. That is not to say they intended for the President to be shielded from prosecution. Rather, they proposed Article II, Section 4 (the impeachment process) to be a mechanism to prosecute the President.

I ask my colleagues to carefully review this thoughtful and insightful piece.

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did not rise to the level of an impeachable offense. It was a matter of personal wrongdoing, and not considered to be a crime committed according to their standard for impeachment, “against the system of government.”

It is also critically important to realize that moving such a low threshold for impeachment will almost certainly jeopardize the viability of the presidency. We must take great care to ensure that the long-term consequence of this House’s action is not one that establishes a precedent that dramatically weakens the President and the Office of the President compared with the other two “separate but equal” branches of government. For our system of government to work, raw political power cannot be invested in one branch of our government to the exclusion of the other two. Checks and balances are imperative and the Constitution’s framers recognized that clearly. One can forget about President Clinton because he will be leaving office in 24 months regardless of this process. Nevertheless think about the ramifications of this kind of precedent relative to future Presidents. The Supreme Court recently said, wrongly I believe, that anyone can file a civil lawsuit against any President at any time over a matter which did not occur while he/she was in office and has nothing to do with the presidency.

Are we setting a precedent whereupon a future President can be made to give testimony where his whole life can be combed through, and if there is any misrepresentation in that deposition, then the political opposition can bring that to Congress and ask that he be impeached for perjury? Any political enemy could bring a lawsuit against a future President and go through the process. In my judgment, this could threaten the presidency with judicial tyranny.

The President’s independence from Congress and the Judiciary is fundamental to America’s unique structure of government. The lower the threshold for impeachment, the weaker and less equal is the President compared with the Judicial and Legislative branches of government.

On the final analysis, I concluded that impeachment of the President is not warranted based on the President’s use of the authority conferred on him/her to carry out activities against the country or its citizens. After weeks of deliberations, I came to the conclusion that alleged perjury and efforts to conceal a consensual sexual relationship did not reach the threshold needed to impeach a President of the United States. I do not think the President’s actions reach the high Constitutional bar set by our forefathers.

Mr. Speaker, I do not condone what Bill Clinton did. I think he should have acted responsibly. He says he is paying a dear price with his wife and daughter. He deserves to. This President’s actions have been committed to history’s record and his legacy will forever be cloaked in shame. History and God will be his ultimate judge.

Mr. MALONEY of Connecticut. Mr. Speaker, as one of only 31 Democrats to cross party lines and support the comprehensive impeachment inquiry, I did so because I believed a full and fair review of the serious charges of misconduct against the President was the only way to do justice, protect the innocent and right wrongs. Our expectations of justice cannot be realized unless we demand truth of those beholding our Constitution, and only use impeachment for its intended constitutional purpose—“treason, bribery, and other high crimes and misdemeanors” not as a substitute for other measures. While President Clinton’s actions are clearly deserving of censure, and at the conclusion of his term make him liable for criminal prosecution for perjury, it would be wrong for this House to abuse its power of impeachment and attempt, without proper cause, to overturn the electoral choice of the people.

Mr. SNOWBARGER. Mr. Speaker, you have called the 105th Congress back into session to address the most distressing circumstances this country has faced in decades. We have been called back to vote on the issue of impeachment of the President of the United States. It will be the final legacy of our second session. It has been a session where legislative achievements have been eclipsed by media coverage of the President’s personal activities and his cover-up. While we may disagree about the threshold, if I certainly do, I would find it difficult to use this as a basis for impeachment.

However, we are not here today to question the President on the basis of his personal behavior. We are focused on his cover-up of his shameful behavior by lying, by abusing the judicial system, and by using his office and its resources to prevent our court system and the duly appointed federal prosecutors from discovering the truth.

Let’s remember that this series of events began with a federal civil rights action involving allegations of sexual harassment against the President. By its very nature, such an action involves very personal behavior. However, our society has determined that behavior of this nature is so inappropriate that we have established legal remedies. That was in pursuit of such a remedy that the President was brought before our system of justice to answer to charges. In that process, the President gave an oath. Because our judicial system is a search for the truth, that oath is a vow, a promise that is essential. It is an oath “...to tell the truth, the whole truth and nothing but the truth ...” so our courts can do justice, protect the innocent and right wrongs. Our expectations of justice cannot be realized unless we demand truth of those beholding our Constitution, and only use impeachment for its intended constitutional purpose—“treason, bribery, and other high crimes and misdemeanors” not as a substitute for other measures. While President Clinton’s actions are clearly deserving of censure, and at the conclusion of his term make him liable for criminal prosecution for perjury, it would be wrong for this House to abuse its power of impeachment and attempt, without proper cause, to overturn the electoral choice of the people.

In today’s debate and through the weeks and months of investigation by the independent counsel and the able review of his report and the inquiry by our Judiciary Committee, we have been presented credible evidence that the President has violated this oath to tell the truth on numerous occasions. He lied in the civil action I referenced. He lied before a
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federal grand jury. He lied to our own Judici-
ary Committee. The lies which form the basis for
these impeachment articles were all pre-
ceded by these very sacred words, “I swear to
tell the truth, the whole truth and nothing but
the truth so help me God.” Justice has been
impeachment.

Every citizen of this country who comes be-
fore our court system takes similar oath and
suffers consequences if he is found to have
violated that oath. However, there is another
oath involved in this case that not every citi-
zen takes. Although it is not an oath unique to
the President, he is and should be bound by
it maybe more than anyone else. It is his oath
to uphold and defend the Constitution of the
United States. Most school children know that
the President is the chief law enforcement offi-
cer of the country. Of course, this President
seems willing to debate and parse even this
well-accepted concept.) Our Constitution pro-
vides the framework for our society to pursue
our valued goals of personal liberty and jus-
tice. As shown through the process of this im-
peachment inquiry, in his personal involve-
ment with the legal system of this country, the
President has shown a preference for abusing
that system rather than protecting or defend-
ing it. In so doing, he has violated this second
oath.

Interestingly, I have been admonished by
two constituents to follow the lead of one of
my fellow Kansans from history. Senator Ed-
mund G. Ross from Kansas was one of the few
Republicans who voted against convicting
President Andrew Johnson of the charges
made against him in his impeachment. Ross
was immortalized by his inclusion in John F.

To one constituent the lesson from this inci-
dent is that a vote for impeachment was the
wrong choice, an inappropriate course to pur-

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The contrast led me to again read the story of
Senator Ross. It helped to remind me of the
significance of this process and the decision
that we are about to make. It was the story of the thinking and actions of a fellow
Kansan who was involved in the process of
impeachment of the President of the United
States. Now I am dealing with similar issues
for only the second time in our nation’s history
where the process has gone this far. The les-
sions of this story were embodied in the words
of a telegram sent by Ross to a group of con-
stituents and supporters that demanded he
vote for impeachment.

That telegram read in part:

I have taken an oath to do impartial jus-
tice according to the Constitution and laws,
and trust that I shall have the courage to
vote according to the dictates of my judg-
ment and for the highest good of the coun-
try.

Mr. Speaker, I have attempted to put aside
the pressures that have been placed on us by
outside influences, whether by popular opinion
or by supporters of one outcome or the other.
I have tried to weigh my decision “according
to the Constitution and for the highest good
of the country.”

After consideration of the evidence pre-

... or other high Crimes and Misdemean-
or.” I especially wanted to examine the Judi-
ciary Committee Report concerning the im-
peachment of the President. I have now had
the opportunity to personally review the work
product of the Committee and to question the
Committee members.

No task in my life has created a greater bur-
don or by supporters of one outcome or the other. I have tried to weigh my decision “according
to the Constitution and for the highest good
of the country.”

measuring the resulting decision against and
standard set by my Kansas predecessor, and
in full adherence and submission to my own
oath of office, I vote in favor of impeachment and ask that our colleagues in the Senate
bring this matter to trial pursuant to the Con-
stitution. The process must be conducted in a
timely manner so that faith and trust in the
integrity of the office of the Presidency can be
restored to prevent further damage to the po-
tical institutions of our great nation.

Mr. SPRATT. Mr. Speaker, last night, after
making a statement on the floor, I lied for ex-
tension of my remarks a longer statement, which I prepared as I reviewed the committee
report on H. Res. 611. I have rewritten the last
page of my longer statement, and file it as an
amendment to my extended remarks:

The majority argues that articles of impeach-
ment are required by the rule of law. The rule
of law starts at the source, with the Constitute
and specifically Article II, Section IV. How the
Congress removes a President elected by the people is vitally important to the
rule of law in a democracy. The Frames of
our Constitution authorize the House to be a
prime minister beholden to a parliament, but a president inde-
pendent of Congress, so that each could
counter the other and maintain a balance of
power. Having made that fundamental deci-
dion, they did not intend for the impeachment
power to be used as a vote of no confidence,
so that the president serves, in effect, at the
will of Congress. They knew that in extreme
cases the power to impeach might be needed,
so that Congress could rid the country of a
president who took bribes or became a traitor or tyrant. Congress has re-
garded the impeachment power in that light,
as extraordinary, and abused it only once, in
the case of Andrew Johnson.

In this case, the decision is not easy. Presi-
dent Clinton has disgraced himself; his con-
duct has been sordid; but his conduct does
not amount, in my opinion, to a “high crime
like bribery or treason. Not for his sake, but for
the sake of the presidency, we should not “de-
fine down” the grounds of impeachment. We
have an alternative. We can rebuke this presi-
dent and move on. We do not have forever
without leaving a precedent for impeachment
we may live to regret. I think censure is the
choice we should make.

Mr. MORAN of Kansas. Mr. Speaker, yes-
terday, Congress was called into session to
consider whether President Clinton should be
impeached as provided by the United States
Constitution. Never would I have thought I
would be called upon to determine whether
another elected official should be allowed to
remain in office, especially the President of
the United States. It is my position to make policy decisions beneficial to the
people of Kansas and to make certain that
each individual Kansan receives a fair shake
in his or her dealings with the federal govern-
ment. Judging others’ conduct is not a task I
seek, but one required of me by the U.S. Con-
stitution. I am humbled by the responsibility
and hope I am equal to the task.

I refrained, despite the constant demand
from some, from reaching a conclusion on the
merits of the case against President Clinton
until I had as much factual information as pos-
sible and until I had an understanding of the
meaning of the words of the U.S. Constitution,
“. . . or other high Crimes and Misdemean-
ors.” I especially wanted to examine the Judi-

... or other high Crimes and Misdemean-
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The untruthful actions of the President are
not mere technical violations of federal law:
rather, the President’s lies, obfuscation and
over acts to obstruct justice are serious and
felonious, and they tear at the essential foun-
dation of our judicial system. His actions were
part of a pattern of conduct over many months
and not a mere moment of poor judgment.

In a political process, we should not con-
vince that this is a Republican effort to
oust a Democrat president. This belief in-
creases the cynicism already prevalent in our
political process.

For that reason, I read the Judiciary Com-
mittee report, discussed its provisions with Commit-
tee members, consulted the Constitution, in-
quired of many Kansans, both Republican and
Democrat, whose judgment I value, and re-
viewed my basic beliefs of right and wrong. I
am compelled to vote for articles of impeach-
ment.

Having to make a choice, I choose to be on
the side that says no person is above the law,
that this is a nation of laws not men, that tell-
ing the truth matters, and that we should ex-
pect our public officials to conduct themselves
in compliance with the highest ethical stan-
ards.

It is clear that President Clinton on numer-
ous occasions lied to a federal grand jury, lied
in a civil proceeding affecting the civil rights of
an American citizen, and orchestrated an at-
tempt to obstruct justice. The requirement that
a party to a civil or criminal proceeding tell the
truth, no matter how humiliating or harmful
such statements might be, is a cornerstone of
our system of justice. No one wants to tell the
truth when the truth hurts. But we all know we
have no choice, and if we lie, we know we
suffer the consequence. We learn this as chil-
dren, and President Clinton, a lawyer, knows
this as an officer of the Court.

The untruthful actions of the President are
not mere technical violations of federal law:
rather, the President’s lies, obfuscation and
over acts to obstruct justice are serious and
felonious, and they tear at the essential foun-
dation of our judicial system. His actions were
part of a pattern of conduct over many months
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In a political process, we should not con-

Mr. HOSTETTLER. Mr. Speaker, throughout the debate on the resolution before this House, there has been much discussion of the opinions of “experts” on Constitutional law. This discussion reminds me of the testimony of Lino A. Craglia, the A. Dalton Cross Professor of Law at the University of Texas School of Law in testimony before the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, United States House of Representatives on May 15, 1997 when he states, “The first and most important thing to know about constitutional law is that it has virtually nothing to do with the Constitution.” I have not had the title bestowed upon me as an “expert” on Constitutional law so therefore I had to read the Constitution and determine its meaning. And how would I do that? I believe Thomas Jefferson gave the most persuasive advice on the topic of Constitutional meaning when he wrote in a letter to Justice William Johnson on June 12, 1823, “On every question of construction let us carry ourselves back to the time when the Constitution was adopted. Taking our stand there, we may judge of the debates, and instead of trying what meaning may be squeezed out of the text, or invented against it, conform to the probable one in which it was passed.” In order to determine its meaning and be faithful to the wisdom of the Framers, it is necessary to understand the meaning of the words as they were written by the Framers because, as was stated by Charles Louis Joseph de Secondat, the author of “The Spirit of the Laws,” “Society, notwithstanding all its revolutions, must repose on principles that do not change.”

That being said, there has likewise been much discussion about whether the information that has been acquired by the House of Representatives is sufficient to accuse the President of an offense or offenses which proceed from what Alexander Hamilton referred to in Federalist #65 as “the misconduct of public men.” The virtually infinite spectrum of potential offenses that may use the modern day vernacular—“rise to the level of an impeachable offense,” is defined in Article II, Section 4 of the Constitution to be those offenses situated inclusively between the levels of: “... high Crimes and Misdemeanors.” While I have heard several opinions that what the President did not rise to the level of a crime, does what William Jefferson Clinton did while in office constitute misconduct of a “public” man? It would obviously be necessary to know what the term “Misdemeanor” means in its original sense. It was Alexander Hamilton writing in Federalist Paper #65 as President, one of the first Founding Fathers to call for a Constitutional Convention, wrote and published the first American dictionary in 1828 which was founded.

My work in Congress on behalf of the people I represent. I have received thousands of letters, faxes, e-mails and telephone calls from my constituents, expressing strong and unequivocal positions on both sides of the issue. This cannot be about polls, partisan politics, which party controls Congress, or even who is the next president, and unfortunately there is no middle ground. Years from now, when my school age children look back on their father’s time in Congress, I want them to see their dad as a guy who stood for the right things. The issue is about some ideals more important than our comfort or our economic well being. We have responsibilities to the next generation. The Preamble to the Constitution reminds us of our responsibility to “. . . secure the Blessings of Liberty to ourselves and our Posterity.” We owe the next generation our unwavering support for certain essential ideals on which our nation was founded.

Impeaching the President is not popular across the country nor is it supported by all the people I represent. I have received thousands of letters, faxes, e-mails and telephone calls from my constituents, expressing strong and unequivocal positions on both sides of the issue. This cannot be about polls, partisan politics, which party controls Congress, or even who is the next president, and unfortunately there is no middle ground. Years from now, when my school age children look back on their father’s time in Congress, I want them to see their dad as a guy who stood for the right things. The issue is about some ideals more important than our comfort or our economic well being. We have responsibilities to the next generation. The Preamble to the Constitution reminds us of our responsibility to “. . . secure the Blessings of Liberty to ourselves and our Posterity.” We owe the next generation our unwavering support for certain essential ideals on which our nation was founded.

I believe there are two reasons why the Constitution tells us: “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, or other high Crimes and Misdemeanors.” To impeach, which lies within the power of the House, means to accuse or charge with a crime. Only the Senate can actually convict and remove from office.

As a distinguished Democratic member of the Judiciary Committee said during the Nixon impeachment proceeding, “It is wrong, I suggest, it is a misreading of the Constitution for any member here to argue that a member to vote for an article of impeachment means that that member must be convinced that the President should be removed from office. The
Constitution doesn’t say that. The powers relating to impeachment are an essential check in the hands of this body, the legislature, against and upon the encroachment of the executive. In establishing the division between the two branches of the legislature, the House and the Senate, according to the one the right to accuse and to the other the right to judge, the Framers of this Constitution were very astute. They did not make the accusers and the judges the same person. (Opening statement of the House Judiciary Committee, proceedings on the impeachment of Richard Nixon, by Barbara Jordan.)

After consideration of all the evidence presented, I am convinced it is sufficient for the House to charge the President with several wrongful actions. I feel the evidence shows that the President committed perjury by lying under oath, obstructed justice, and abused the power of his office.

Both historical precedent and current practice support the conclusion that perjury is a “high crime and misdemeanor.” The Constitution empowers the House to impeach the President and to “all civil officers of the United States.” Several Federal judges have been impeached and removed from office for perjury. That is why the President can be, too.

Also, perjury are equivalent means of interfering with the justice system. The Federal Sentencing Guidelines include bribery and perjury in the same Guideline.

Some of the President’s defenders would like to change the subject and talk about anybody else but the President and about anything else except the allegations of lying under oath, obstruction of justice, and abuse of office. Such efforts are an affront to all who value truth over tactics, substance over spin, principles over policies.

House Members will be consistent if they follow the precedent established in 1974 by the Judiciary Committee. Individuals from both parties agreed with a Democratic Congresswoman from Texas when she said, “The President engaged in a series of public statements and actions designed to thwart the lawful investigation by government prosecutors. Moreover, the President has made public announcements and assertions * * * which the evidence will show he knew to be false. These assertions, false assertions; she said, are “impeachable.” *(ibid.)*

By any commonsense measure, the President did not “tell the truth, the whole truth, and nothing but the truth,” as his oath required, when he testified before a judge and then before a grand jury. It was determined by the independent counsel that, “On at least six different occasions—from December 17, 1997, through August 17, 1998—the President had to make a decision. He could choose truth, or he could choose deception. On all six occasions, the President chose deception—a pattern of calculated behavior.” *(Statement of Independent Counsel Kenneth W. Starr before the Committee on the Judiciary, U.S. House of Representatives, November 19, 1998)*

During this time, not only did the President tell a judge and then a grand jury less than the truth, he also told lies to the American people, the news media, Members of Congress, his Cabinet, and senior White House advisors.

One of his former advisors commented, “President Clinton turned his personal flaws into a public matter when he made the whole country complicit in his cover story. This was no impulsive act of passion; it was a coldly calculated political decision. He spoke publicly from the Roosevelt Room. He assembled his Cabinet and staff, and assured them that he would continue to tell the truth, to the American people, the news media, Members of Congress, his Cabinet, and senior White House advisors.”

The President consciously and persistently made an effort to deceive, give misleading answers, and tell lies. He made statements and engaged in actions designed to impede the investigation of the Independent Counsel. We all know the President still might be deceiving us today were it not for physical evidence that forced him to change his story.

As to the uniqueness of the office the president holds, he is a person in a position of immense authority and influence. He influences the lives of millions of Americans. He sets an example for us all.

A sixth grader from Chisolm Middle School in Round Rock, Texas, recently wrote me. She said bluntly, “He has lied to the American people! And although I realize what he lied about has nothing to do with him running the country, then what else would he lie about? He let us down! Kids that think he is a role model for over 200 years. Our Constitution and the President’s actions must be evaluated for one simple reason—the truth counts.”

This will not be an easy task; in fact, it is a difficult ordeal for all Americans. But we will get through it: we are a great nation and a strong people. Our country will endure because our Constitution works and has worked for over 200 years. As much as one might wish to avoid this process, we must resist the temptation to close our eyes and pass by. The President’s actions must be evaluated for one simple reason—the truth counts.

As this process goes forward, some good lessons can be reaffirmed. No one is above the law. Actions have consequences. Always tell the truth.

We the people must insist on these high ideals. That the President has fallen short of the standard doesn’t mean the truth should be lowered. If we keep excusing away the President’s actions, we as a nation will never climb upwards because there will be no firm rungs.

Let us quote another insightful letter from a student in that same sixth grade class: “Everyone knows, if begins. “President Clinton is going through hearings about lying under oath and tampering with the evidence. Perjury especially in front of the Grand Jury is...
unacceptable. These many months of inves-
tigation could have been avoided if President
Clinton would have told the truth in the begin-
ing."

She concludes her letter with words I will
use to conclude my remarks, "I know you are
being bombarded with letters each with dif-
ferent positions, but this is a big issue. Now it
is up to you and your fellow congressmen to
decide to the best of your ability what should
happen next. Please take into consideration
what I have stated and make a decision that
would be the best for America’s future." (Let-
ter from Brandi Bockhorn, November 19, 1998)

That, my colleagues, to me, says it all.

Mr. RIGGS. Mr. Speaker, this is a pro-
foundly sad and disturbing time for me. I had
hoped to conclude my Congressional service
on a high note after the Congress passed, and
the President signed, my bills improving lit-
eracy, expanding vocational and technical
education, and increasing the number of fed-
erally-funded charter schools in the final days
of the 105th Congress, before the November
elections. Unfortunately, it is not to be.

Before I focus on the question of impeach-
ment and the fate or Bill Clinton, led me ad-
dress the situation in Iran. As an Army vet-
eran, I strongly support our troops in the field.
That probably goes without saying. But while
—I like to think that our men and women in uniform in the Persian Gulf, I must question the timing of the mission ("Operation Desert Fox") and our foreign policy towards
Iraq in general.

It has been eight years since the United
States went to war against Saddam Hussein
and the Iraqi military. It is about time we finish
the job.

In my first official vote as a newly-elected
Member of Congress in 1991, I voted against
the use of military force against Iraq. I was
convinced we were not committed to removing
Saddam Hussein from power. We left in power
a man who, for corrupt, venal reasons, would
rather hold on to his personal power and mili-
tary might than help his own people.

As columnist Richard Cohen recently point-
ed out, in the Washington Post: "As long as
Saddam rules, the U.S.-Iran conflict will con-
tinue. Either his military has to be hurt so
badly it will turn on him, or dismiss elements—
and they exist—will sense weakness and rise
in revolt. Force has to be applied in such a
way—sustained and punishing—that this
eight-year conflict is brought to a conclusion."

I recognize that many of my fellow Ameri-
cans also support our troops but question the
timing of this mission. One could argue that a
President facing the imminent prospect of im-
peachment should not use military force un-
less the national security interests of the
United States are directly and immediately
threatened.

That so many Americans question the tim-
ing and necessity of this mission indicates the
widespread, and in my opinion, corrosive cyni-
cism in America that is yet another sign of the
weakened state of this presidency. President
Clinton has lost credibility and standing with
the American people. We are witnessing the
steady erosion of the moral authority of the
presidency under his tenure.

A majority of Americans now believe that
President Clinton lied to us and damaged the
basic trust between the American people and
their president. Just as seriously, if the Amer-
ican people do not believe the president, why
should our allies or our enemies? I believe
that the president can no longer effectively
perform the duties and responsibilities for
which he was elected. For the good of the coun-
try he should resign, as I have said for months.

Furthermore, true corruptions and the shame
that accompanies it should compel President
Clinton to resign. He has disgraced his family
and his office. He alone can forestall the na-
tional ordeal and the ugly spectacle of an im-
peachment trial. Mr. Speaker, there is a Senate
resolution in the United States Senate to
impeach him and salvage some dignity for himself and the
presidency, by resigning now. Yet Clinton re-
fuses to resign, even though his conduct is
temptible and renders him unfit to be presi-
dent of our nation.

My a 1910 address in New York, Theodore
Roosevelt said of the presidency: "Any man
who has ever been honored by being made
President of the United States is thereby for-
ever after rendered the debtor of the American
people, and is honor-bound throughout his
life to remember the obligations of his office; and
in private life, as much as in public life, so
to carry himself that the American people may
never have course to feel regret that once
they placed him at the head."

Some partisans are suggesting that we should short-circuit the impeachment
process or simply shunt the whole matter aside based on poll ratings. But we in Con-
gress have an obligation to do exactly the op-
oposite. That was our duty before the election
and it continues to be now. Our oath of of-

cence requires no less. Our sworn constitutional
obligations may be onerous, but we cannot
abridge our responsibilities because what
is popular is not always right, and what is right
is not always popular.

My responsibility is to inform and mobilize

citizens and opponents but even if unsuccessful, to vote my

conscience and convictions. In my service in the
U.S. House, I have tried to follow the dic-
tion of Sir Edmund Burke, who told his con-
stituents: "Your representative owes you his
judgment as well as his industry. He betrays
your best interests if he sacrifices his judg-
ment to your opinion."

A few thoughts on the impeachment proc-
cess itself. The House is charged by the con-
stitution with investigating and determining if
the President should be impeached. Judge Starr’s re-
ferral under the Independent Counsel statutes is
his conclusion that evidence exists that
President Clinton has committed “high crimes
and misdemeanors.” But it is only his opinion;
the House is certainly not bound by it; nor is Congress
required to accept his evidence.

In fact, it is the House’s constitutional obli-
gation to investigate de novo, that is, make an
independent assessment: What are the facts
and what are the legal implications of those
facts? That is what an impeachment inquiry
does.

If the Judiciary Committee, then the full
House, find the facts show high crimes and
misdemeanors by the president, Articles of Im-
p 
peachment would be possible. That is not a find-
ing of guilt, but more akin to an indictment.
The House proceeding is thus like a special
Grand Jury devoted to the president’s con-
duct. The actual finding of guilt would have to
be made by a two-thirds vote by the Senate,
after a trial presided over by the Chief Justice
of the Supreme Court.

(Maintaining the analogy to a grand jury,
also follows that the president does not have
the same automatic rights of cross-examina-
tion or presentation of his case at this stage
as he would at a trial. The fact that, nonethe-
less, he was given those rights is further evi-
dence that Congress has undertaken a fair in-
quiry.)

I have tried to approach this historic vote
of great import in a serious, solemn and objec-
tive way. I have endeavored to be as honest,
fair, thorough, and deliberate as humanly pos-
sible. I have consulted with the Republican
members of the House Judiciary Committee and
sought the advice of personal leaders like
former Presidents Gerald Ford and Jimmy
Carter, former Vice President Dan Quayle,
and Bob Dole, who, because of their unique
experiences, had valuable insights and perspec-
tive to offer. In preparation for this vote, I
also asked myself a series of questions:

(1) Would one of my constituents be held
accountable for lying before a federal grand
jury or a federal judicial officer?

(2) Does lying before a federal grand jury or
a federal judicial officer undermine the rule of
law?

(3) Is it possible that the president of the
United States lied before a federal grand jury or
a federal judge, thereby violating his oath of
office which requires him to uphold and abide
by the rule of law?

In reaching my decision, I have read the re-

cerral report to Congress from the Office of
Independent Counsel, closely followed the Ju-
diciary Committee’s deliberations, and, most
recently, studied the Judiciary Committee’s
Report on the Articles of Impeachment in de-
tail. I have given great weight to the Commit-
tee’s report, which contains a full discussion of
the facts and the Committee’s rationale and
justification for approving the articles. I have
satisfied myself that it is justified the same way if
the alleged misconduct involved a Republican
president and/or if I had stood for re-election to
Congress.

After a thorough review of the record, care-
ful deliberation, much soul-searching, and due
consideration of the consequences for our na-
tion, I have reached the conclusion that Presi-
dent Clinton lied under oath and encouraged
others to lie under oath in a federal court pro-
ceeding. He has thereby violated his funda-
mental constitutional obligation to take care
that the laws be faithfully executed. He has
deviated from the rule of law by lying before a federal
grand jury and a federal judge. His false and
misleading testimony before the grand jury is
especially egregious since he knew going in
that he had to “come clean”—but instead he
continued to obfuscate the truth. That is
grounds for the President’s resignation. It is
also grounds for impeachment under the first
three articles reported out by the Judiciary
Committee.

I believe that the laws should be applied equ-
ally to all, regardless of their financial or
political stature. The foundation of our criminal
justice system is that no man is above the
law. Impeachment is essential to preserving
the rule of law, because under our constitution
a sitting president cannot be indicted for

political offenses. The only way to make him subject to
the law and preserve the rule of law is
through the process of impeachment.

If the President, arguably the most powerful
man on earth, can distort the truth, break the
law, and avoid accountability, what are the
corollaries for ordinary Americans?

Do we want to establish the precedent that
presidents may with impunity hold the law in

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contempt? How can we expect anyone who is subpoenaed to court to have to tell the truth when the head of our government (and it’s legal system) has not? In my opinion, to overlook such conduct would invite further social abdication of morality and accountability and break the rule of law.

As former U.S. Senator John Danforth said recently: “What’s important here is what Congress says in the end about what has generally been an accepted and basic standard in this country: that lying under oath is not permitted. If that standard is in any way watered down, the country and all it stands for will be sorely harmed and the future will be in grave doubt.”

I believe that the President has lied under oath and that he continues to flout the rule of law by refusing to admit publicly that he lied under oath, and therefore should be impeached and removed from office. Truth is on trial.

Eight years ago, I stood in the well of the House and voted my conscience on the Persian Gulf resolutions. One year later seven of us—a non-partisan group—forced the House to confront corruption in the House Bank and Post Office scandals.

Today, too, is a vote of conscience. It is a vote about our country—its proud heritage and promising future—not about the politics or polls. As the father of our country George Washington said: “Let prejudices and local interests yield to reason. Let us look to our national character and to things beyond the present period.”

We and our colleagues today are faced with a choice. Do we believe that a person who broke the Constitution by breaking the laws he took the oath to uphold, and who subverted the judicial system to win a political advantage, can by that act subvert the Constitution and its system of checks and balances that has made our Constitution and our system of government what it is today? And then we should not be surprised when the rules and traditions of our country—and the law—break down.

Our vote must be in defense of the Constitution, the rule of law, and the honor of the government of our country. That is why I came to the House Bank and Post Office scandal. The Constitution prescribes one option for the Congress which is to determine whether the President is impeachable or not. Today, you could censure the President for bad conduct, five years from now another Congress could decide to impeach him for bad policy and a few years later the Congress could censure a president for good policies that did not work out and suddenly, we don’t have a presidential system, but a parliamenary system. One of the great strengths of our system of government is the lack of a requirement that a president be popular between elections. The Congress has only one standard, the actions of the President are either impeachable or they are not impeachable. The decision to censure would head our government in the wrong direction.

It is my desire that this embarrassment on the presidency and our country end quickly, but the Constitution cannot be rewritten by the political process. When I took the oath of office to serve in Congress, I did not swear to uphold the Constitution only if it was popular. Today the Constitution gives the House of Representatives the responsibility to determine if the President’s conduct is impeachable or not. There are no other options. Tomorrow this House should get on with the business of the new Congress.

Our next job is to work to defend the country, balance the budget, find tax relief for working families, keep our commitments to Social Security, Medicare, Veterans and Military retirees and the next generation.

Mr. PAUL. Mr. Speaker, I rise in support of all four articles of impeachment against the President. There is neither pleasure nor vindictiveness in this vote and I have found no one else taking this vote lightly. It seems though many of our colleagues are not pleased with the investigative process; some believe the investigation was overly aggressive and petty, while others are convinced it has been unnecessarily limited and misdirected. It certainly raises the question of whether or not the special prosecutor rather than the Congress itself should be doing this delicate work of oversight. Strict adherence to the Constitution would reject the notion that Congress undermines the separations of power by delivering this oversight responsibility to the administration. The long delays and sharp criticisms of the special prosecutor could have been prevented if the Congress had not been dependent on the actions of an Attorney General’s appointee.

The charges against the President are serious and straightforward: lying, perjury, obstruction of justice, and abuse of power. The main argument made in his defense is that these charges surround the sexual escapades of the President and therefore should not be considered as serious as they otherwise would be.

But there are many people in this country and some members of Congress who sincerely believe we have over concentrated on the Lewinsky event while ignoring many other serious and more pressing issues. The President’s staunchest defenders. Without the federal Bank and Post Office scandals, there must come a time when the “CEO” becomes responsible for the actions of subordinates. That is certainly true in business, the military, and in each congressional office.

There is a major irony in this impeachment proceeding. A lot has been said the last two months by members of the Judiciary Committee on both side of the aisle regarding the Constitution and how it must be upheld. But if we are witnessing all of a sudden the serious move toward obeying constitutional restraints, I will anxiously look forward to the next session when 80 percent of our routine legislation will be voted down.

But the real irony is that the charges coming out of the Paula Jones sexual harassment suit stem from an unconstitutional federal law that purports to promote good behavior in the workplace based entirely on the obligations of the states to deal with physical abuse and intimidation. This whole mess resulted from a legal system institutionalized by the very same people who are not the President’s staunchest defenders. Without the federal sexual harassment code of conduct—which the President repeatedly flaunted—there would have been no case against the President since the many other serious charges...
have been brushed aside. I do not believe this hypocrisy will go unnoticed in the years to come. Hopefully it will lead to the day when the Congress reconsiders such legislation in light of the strict limitations placed on it by the Constitution and to which many members of Congress are now publicly declaring their loyalty.

Much has been said about the support the President continues to receive from the American people in spite of his acknowledged misconduct. It does seem that the polls and the recent elections ordered by Clinton were quickly praised all our Middle-Eastern policies. And now we pretend to oppose and use as scapegoats for Islamic fundamentalists, the same people we cruise missiles both Sudan and Afghanistan, and the now current war against Iraq.

Two hundred million dollars were spent on an illegal act of war against innocent people. It's sad but there is another example of a pharmaceutical plant in Sudan was just that, a pharmaceutical plant, owned by a Muslim businessman who was standing up to the Islamic fundamentalists, the same people we pretend to oppose and use as scapegoats for all our Middle-Eastern policies. And now we have the controversial and unconstitutional charging of flagrant abuse of power, threatening to keep our government small and limited in size. It is true that some conservative voters, demanding the Republicans in Congress hold the President to a greater accountability, voted by staying home. They did not want to encourage the Republicans who were seen as being soft on Clinton for his personal behavior and for capitulating on the big government agenda. But hopefully there is a much more profound reason for the seemingly inconsistent position of a public who condemns the President while not having the stomach for punishing him through impeachment.

If my suspicion is correct we can claim a major victory. Polling across Texas, as well as nationally, confirms that more than 80 percent of the people are fearful of the Federal Government's intrusion into our personal privacy. That's a healthy sign and indicates that the privacy issue could be the issue that will eventually draw attention to the evils of big government.

The political contest, as it has always been throughout history, remains between the desire for security and the love for liberty for economic security is provided by the government, privacy and liberty must be sacrificed. The longer a welfare state lasts the greater the conflict between government intrusiveness and our privacy. Government efficiency and need for a bureaucracy in a bureaucracy is the unnecessary. The system prompts the perpetual barrage of government agents checking on everything we do.

Fortunately, the resentment toward government for its meddling in all aspects of our lives is strong and becoming more galvanized, and that should give us hope that all is not lost.

But this resentment must be channeled in the right direction. Belief that privacy and liberty can be protected while the welfare state continues to provide security can be protected by the government, privacy and liberty must be sacrificed. The longer a welfare state lasts the greater the conflict between government intrusiveness and our privacy. Government efficiency and need for a bureaucracy is the unnecessary. The system prompts the perpetual barrage of government agents checking on everything we do.

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members are here today supporting impeachment and violating the will of the voters who turned them out of office.

Mr. Speaker, I expect to hear a rising clamor of calls for the President to resign. That would be an even greater disaster for our democracy than the present proceeding has been. Having voted—however illegitimately—for impeachment, the nation, the Constitution and the President deserve a trial in the Senate. We must determine once and for all whether these charges are grave enough to warrant impeachment. And these unproven charges must be considered. The President is innocent until proven guilty, and Chairman Hyde and his colleagues have not made their case.

Mr. MANZULLO. Mr. Speaker, I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

The Pledge of Allegiance is recited frequently by all Americans, including school children and government leaders. It starts each day of Congress. It is a statement that in this country justice is for all people—elected and non elected. Unequal justice is no justice under the law.

Before I entered Congress in 1993, I practiced law for 22 years. I have been a student of the Constitution and the powers of Congress and the presidency for decades. I was a college professor in the 60's and wrote a book on constitutional law, which was published in 1973. I am also a father of three young children. I, therefore, approach the subject of impeachment of the President with this perspective.

I believe the President should be impeached, which means a finding by the House of Representatives that there is evidence the President committed acts sufficient for the Senate to consider the charges and vote on whether or not he should be removed from office.

THE CONSTITUTIONAL BACKGROUND OF HIGH CRIMES AND MISDEMEANORS

When the founders of our Constitution met in Philadelphia, they used English law as the basis for our founding document. The English view of the meaning of two things: removal from office and the imposition of a criminal penalty (sentence and/or fine). Our founders, however, when they wrote the impeachment section in the U.S. Constitution, chose to make removal from office the only penalty, but specifically allowed any criminal actions against the officeholders to be taken by others (state or federal prosecutors).

This distinction means the American Constitution contemplates two very different proceedings: the removal from office was to be separate from criminal proceedings, because removal protects the people and criminal proceedings punish the officeholder.

Furthermore, the impeachable offense could, but does not have to be, a violation of a criminal statute. George Mason, who wrote the Bill of Rights, said impeachment was to be used for “attempts to subvert the Constitution.” Hamilton said impeachment should be used for “those offenses which proceed from the misconduct of public men...from the abuse or violation of some public trust...as they related chiefly to impeachable offenses committed to the service of the country (Federalist Papers, No. 63). Others work by James Wilson, a signatory of the Constitution, and the pre-eminent jurist, Justice Joseph Story, conclusively verify this. When the House of Representatives in 1974 considered Articles of Impeachment for President Nixon, the Democratic-led House Judiciary Committee, for which attorney Hillary Rodham worked, stated the Articles were premised upon “injury to the confidence of the nation and great prejudice to the cause of law and justice.

WHY CENSURE IS NOT AN OPTION IN THE HOUSE OF REPRESENTATIVES

The House of Representatives must consider the charges to remove the President or to impose some penalty for the Constitution governs the procedure. The Constitution speaks of this duty only in terms of “impeachment,” that is, the House finding evidence to send to the Senate for a final resolution as to whether there should be a conviction (removal) on the impeachment charges. The Constitution provides no option for the House of Representatives to consider anything less than impeachment, such as censure. Censure is a formal scolding or reprimand. It has no legal consequences.

THE CHARGES AGAINST PRESIDENT CLINTON

The Article of Impeachment charge President Clinton with perjury, which is lying under oath, before a federal grand jury and during a deposition (a sworn statement under oath with attorneys for all parties present). He is also charged with encouraging a witness to lie under oath. These charges cannot be dismissed and are not “simply about sex.”

The perjury was not about breaking and entering, but about cover up and perjury after the fact. It is the same here.

Why is perjury and encouraging a witness to lie under oath so serious?

The U.S. Supreme Court (US v. Mandurano, 1974) said that “perjured testimony is an obnoxious and flagrant affront to the basic concepts of judicial proceedings.” When somebody perjures himself under oath, does this two things: first, it deprives a party to the lawsuit of the constitutional right to a fair trial (because truth is frustrated) and, second, it is a frontal assault upon the integrity of the system of justice in this Nation.

The fact that President Clinton lied under oath at the federal grand jury and the deposition is not refuted. Period. Does his perjury have to be of such a nature that criminal charges could be brought against him? The answer is no, even though I believe criminal charges could be brought. Under the English system, the question is probably yes. But because impeachment under the American Constitution is aimed at removal and not criminal punishment of the officeholder, the criminal rules of evidence and other rules in a regular criminal proceeding simply do not apply. That is why the crime of perjury is a civil proceeding, not a criminal proceeding in the House of Representatives with a criminal trial.

Encouraging a witness to lie under oath is akin to the following: you own a business (Party A) and get involved in a lawsuit with another businessperson (Party B). Your livelihood is threatened. An independent distributor who has a business relationship with you and Party B can verify your claim. Party B has a conversation with the independent distributor and says, “I understand you have been named as a witness in this case. I know this is why you have a right to lie under oath. I would like to consider removing the President from office.”

THE OATH OF OFFICE

As a member of Congress, I swore an oath “to defend the Constitution of the United States...” This means I have an obligation to defend the Constitution and to do everything I can to make sure the powers and protections of the Constitution are enjoyed by the rest of America. This is a solemn obligation. This is why I took the oath.

The President’s Constitutional oath says he is to “preserve, protect and defend the Constitution of the United States.” The Constitution further provides that the President “shall take Care that the Law be faithfully executed.” The words “care” and “laws” in the Constitution are purposely, capitalized for emphasis. Other words for “take Care” are to “nurture,” “conserve,” “supervise,” and “be vigilant over” the law of this land. The President is, therefore, constitutionally charged with being a caretaker of the Constitution and the laws. The American people have put these in trust for the protection of the American people. This is an awesome responsibility that the Constitution makes the President the Commander

The oath of office
Teddy Roosevelt said it best, as recorded in The Strenuous Life (1900): "We . . . differ on the currency of public life, and on foreign policy, but we cannot . . . differ on the question of honesty if we expect our republic permanently to endure. Honesty is . . . an absolute prerequisite to efficient service to the public. Unless a man is honest, we have no right to keep faith with him in matters of public policy; but we cannot . . . differ on the question of honesty if we expect our republic permanently to endure. Honesty is . . . an absolute prerequisite to efficient service to the public. Un- less a man is honest, we have no right to keep him in public life, it matters not how brilliant his capacity . . . No man who is corrupt . . . who condones corruption in others can possibly do his duty by the community. If a man lies under an oath or procures the lie of another under an oath, if he perjures himself or suborns perjury, he is guilty under the statute law."

This paper opened with the Pledge of Allegiance, which is a pledge taken by Americans, including those who serve in public office, to do whatever is necessary to assure equal justice under law. Unequal justice is no justice under the law.

Even if the President were my best friend, I would still vote to impeach him because the Rule of Law is more important to me than friendship or politics.

Mr. PORTMAN. Mr. Speaker, Article IV alleges that President Clinton "refused and failed to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in response to certain written requests propounded to him as part of the impeachment inquiry authorized by the House of Representatives." The "written requests" consisted of 81 written questions posed to the President by the House Judiciary Committee. I find President Clinton's responses to the Judiciary Committee's questions misleading, evasive and incomplete. They show disrespect for an authorized impeachment inquiry—the most serious proceeding the House can undertake.

While President Clinton's responses show disrespect, even contempt, for the Congress of the United States, their most disturbing elements are really just repetitions of the perjurious statements made in his Articles I testimony and today's testimony.

I am also concerned that the wording of Article IV could set a negative precedent for the balance of power between future White House and future Congresses. We do not want the President of the United States to be concerned about impeachment allegations every time a provocative communication is sent to the Congress or every time he responds in an aggressive manner to a Congressional inquiry.

I am concerned that Article IV may have the effect of unduly weakening the Presidency.

For these reasons and because I believe its core is redundant to the other Articles, I cannot support Article IV.

Mr. CRAMER. Mr. Speaker, as members prepare for this historic vote, I would like to say that I take this matter as seriously as any issue I have ever voted on during my tenure here in Congress.

I know that I will have to look back on this as one of the most critical votes I will ever cast. Out of thousands of votes over the past eight years, the two most important have been this vote and my very first vote in 1981 to commit our country to war in the Persian Gulf. I have carefully and thoroughly examined each of the articles of impeachment. I have reflected on this matter at great length and listened to every possible opinion through each step of this process. Having done that, I will not vote to impeach the president.

Mr. Speaker, as deplorable and disgusting as the President's personal conduct has been, as much as it is regrettable that he has subjected the American people to a new level of dishonorable behavior, his own actions have put this country through, I do not believe that it reaches the level that the framers of our Constitution set for impeachment.

There are many pressing issues for this country to address, and we need to focus our energies on these issues as quickly and strongly as possible.

I still believe the president should be punished. I had hoped that censure would be an option. I have done everything I could to create the momentum to put forth a strong censure motion that would condemn the president and penalize him with a considerable fine. I feel that this is a way to hold him accountable without damaging the Constitution or further punishing the nation.

I believe that the president can be held accountable for his actions after he leaves office through the criminal system. After considering all of these factors, I will vote against impeachment.

Mr. WAXMAN. Mr. Speaker, my Republican colleagues have made history in the four years since they took control of the House. But it's not a history with pride. Over and over again, our Republican colleagues have called for the "rule of law." Let me suggest that if the President has committed a crime, that he be tried in a court of law after he leaves office. There, even he will have the protection of the House of Representatives. He is not getting the rule of law—but the rule of politics.

President Clinton has been subjected to an unprecedented and deliberate strategy to use taxpayer funded investigations to "get him." Millions have been spent, and a series of reckless charges have been investigated to death and turned out to have no basis in fact.

The reality is that many of my Republican colleagues intensely dislike the President. Some have never been able to accept the fact that the American people have twice elected him. Some have never been able to accept him as their President. Indeed, one of my distinguished Republican colleagues, Majority Leader Dick Armey, once derisively referred to the President as "your President" during a debate with a Democratic House member. Another Republican member called Mr. Clinton an "illegitimate President" as early as January 1995.

That intensity of feeling has transformed itself into a deliberate strategy to use taxpayer-funded investigations to get the President. Over three years ago, just after the Republicans took control of Congress, the Speaker's top political strategist wrote a memo urging Republicans to "get the Clinton Administration under special prosecutor problems." Two years ago, the House of Republican leadership directed Congress' chairmen to compile "examples of dishonesty or ethical lapses in the Clinton Administration."

The result has been an extraordinary series of personal attacks on the President. I won't recount every accusation, but I do want to mention some of the most notable:

President Clinton and his Administration have been accused of disclosing secret FBI files for those on the list. The President and his Administration have been accused of doctoring White House video tapes that Congress subpoenaed. The President and his Administration have been accused of selling cemetery plots at Arlington Cemetery in exchange for campaign contributions.

The President and the First Lady have been accused of stealing government property. The President has even been accused of killing one of his closest friends, Vince Foster. Most serious of all, the President has been accused of committing treason. That word, treason, was tossed around on this floor earlier this year. It is without question the most serious charge one American can make against another American.

All of these charges have been investigated, and all turned out to have no basis in fact. Article I was defeated in press headlines around the country, their debunking at best made the back pages.

One of our colleagues even introduced an impeachment resolution last year, months before she had heard of the President's affair with Ms. Lewinsky, and it was based on all these ridiculous, unsubstantiated, and false accusations.

This has been an impeachment in search of an impeachable offense. During these past four years, my Republican colleagues have taken all the tools of traditional congressional investigations and twisted them into something no American can be proud of. They have misused and abused the subpoena process. They have misused and abused the deposition process. They have misused and abused the power to hold others in contempt.

We have trivialized these important powers and set horrifying precedents for future congressional investigations. In years to come, almost anything imaginable will be justified—by whichever party is in control—by pointing to the actions of the past four years. It's remarkable and remarkably sad that so much harm could be done in so little time.

The National Enquirer is the natural evolution of all those prior excesses. Every abuse of the past four years has built to this day. As one of my Republican colleagues said in the Washington Post on December 15, "impeachment is icing on the cake."

The impeachment resolution is the ultimate indulgence of the House Republican leadership. It puts their anger, their hatred of the President, their political interests, ahead of the national interest.

Despite the Republicans' premeditated and constant attack on him, today's vote would have been impossible had the President not acted irresponsibly, if not recklessly, in his personal and sexual misconduct. Feeling trapped, he lied. He acted dishonorably and dishonestly. The Republicans were desperate to find a crime, and the President, unfortu-

nately, provided them with irresistible ammunita-

ion. For that President Clinton deserves censure and he deserves to be prosecuted if he violated the law. His crimes, if any, do not rise to the impeachable level envisioned by the Constitution. He does not deserve—and our country does not deserve—this impeachment resolution.
What has been presented to us by the Judiciary Committee do not amount to impeachable offenses. I call for the rule of law and the supremacy of the Constitution. I urge all my colleagues to oppose these articles of impeachment.

Mr. TIAHRT. Mr. Speaker, with solemn thought and a certain sadness we are brought together to speak of removing the President of our United States. This is a task I did not choose, but as with all of us in this chamber, this task was thrust upon us by the actions of our President.

Before us are four articles of impeachment. Two for perjury, one for obstruction of justice and the last for abuse of power. In these articles, we are required to judge our President and determine if his actions rise to the level of impeachable offenses. But we judge not only the character of the President, we judge ourselves and our nation. What standard must we raise for our President and ourselves? What standards will come from this for each of us to live by?

I wish to be here today, however, we must fulfill our responsibilities. Honesty is a simple concept but it is at the foundation of our system of justice which protects our free society and our free enterprise system. For these reasons, I have chosen to vote for the articles of impeachment.

Mr. BARCIA of Florida. One of the greatest moments of my life was when I walked into this chamber, the House of Representatives, to take my oath of office as a Member of this elected body. I had spent my entire life being enthralled by the dignity and the humility of this special role our Capitol has bestowed upon me.

One of the reasons I wanted to serve as a Congressman was to actively work to express my appreciation for what this nation means to me, and to be an advocate for my constituents, people who often thought that their government overshadows them with demands, but fails to understand their needs.

I then had another thrill in my life. I met our President. I met a man who cares about ordinary people. He wants children to have the best possible opportunities for education. He wants working men and women to earn a decent wage and be better prepared for an increasingly competitive world. He wants our senior citizens to have access to the health care they need, and to make sure that their Social Security is, indeed, secure.

When I heard that President Clinton’s involvement in an extramarital affair last January, I was just as shocked as any of my constituents. Certainly I joined the chorus of people who said “say it isn’t true.” And when President Clinton said it wasn’t true, I was pleased.

But as events have unfolded over this past year, I, like so many of you, have been bitterly disappointed in the President’s personal failings. He has done wrong, and he should face an appropriate penalty. I personally believe that the President should be censured, and I would support a fine.

Mr. Speaker, since my arrival in Washington in 1993, indeed for more than a decade, the growing acrimony between parties and people has made our government increasingly powerless to back programs for our nation. Impeachment of this President and his ultimate removal from office would make that climate of anger and distrust all the more palpable. I weigh this decision, against the probability of this outcome. Those who care more about getting a person whom they personally dislike than they do about the ability of this government to solve this nation’s problems have an easy decision. Those who want to provide a safe and prosperous future for our citizens recognize the excruciating nature of this decision, regardless of the outcome of their personal deliberation.

There has been a wealth of learned experts who testified before the Judiciary Committee that the failings of the President are not crimes against the state. They are not a misuse of Presidential authority. Yes, he did mislead the American people. He offered answers that may have met technical legal requirements, but did not provide full satisfaction. But did our leaders during wars and foreign negotiations. They didn’t answer questions to the fullest degree. Are we now going to make that a standard, that you can be impeached, for personal lies, not professional ones? If Bill Clinton truly did commit perjury, then legal authorities should be ready to bring charges against him when they can—the same way any other American can be charged with perjury. If he lied, he is not getting away with it.

Did he encourage others to lie for him? The very people he was supposed to have suborning perjury, obstruction of justice. He has added insult to our constitution by perjury charges, the same as he is now. But the story might not have been made the page before the classifieds in your local paper, let alone the front page. He may have lost some credibility with the American people, but he hasn’t with world leaders. Ask British Prime Minister Tony Blair if he would have been as effective as he is now. But the story might not have been made the page before the classifieds in your local paper, let alone the front page.

To all of my constituents who have called and written to me with their strong views, I thank you from the bottom of my heart. Your comments have given me reassurance on many issues, and have raised challenges on others that made me think even harder. The people I represent are truly split on this issue, some will be disappointed and perhaps angered. I wish this were not the case, but it is the likely outcome of any divisive issue.

So many have said to me to vote my conscience, and that is exactly what I am doing. The President has disappointed in so many ways. I believe he should pay a penalty. But I do not believe that the personal failings of the individual meet the constitutional tests of high crimes and misdemeanors of the President acting in a Presidential capacity. I will not be surprised if my position is not the prevailing one at the end of this debate, but it is the right one for me.

This is a very solemn moment in our nation’s history. May God guide us swiftly through the difficult days ahead.

Mr. TAYLOR of North Carolina. Mr. Speaker, this is a sad day for our Nation, but, unfortunately, a necessary one. The President took an oath to uphold all the laws of the Nation. I recognize in that many respects the Nation has become a morass of regulations that have the effect of law, which sometimes contradict each other and can confuse the average citizen. The Congress, to its shame has allowed such regulations to become so multiplied and so confusing.

This President was not caught up in bureaucratic regulations, but has been charged, and an overwhelming amount of evidence has been produced, which proves he has violated some of the most fundamental laws recognized by almost every government. The President had violated common law and some of the basic laws of this country. He had violated common law and some of the basic laws of this country. He had violated common law and some of the basic laws of this country. He has added insult to our constitution by abusing his power in covering up his crimes. These are serious felonies for which convicted citizens are placed in prison and Federal public officials have been and are impeached and expelled from office.

I and other Member of Congress did not wish to be here today, however, we must fulfill...
our constitutional oath. Serious charges, which go to the heart of our constitution and rule of law, were placed before the Congress. As required by law, we have to fulfill our oath and vote for impeachment to send the matter to the Senate for trial if there is sufficient evidence.

It is clear that after serious and due consideration of the evidence presented and available that the President committed felonies of which he is charged. I believe that his actions of perjury, obstruction of justice, suborning perjury and abuse of power are of a serious nature and that they merit impeachment by this body and trial by the Senate. If they were committed by any citizen, they would be serious. When they have been committed by the Chief Executive Officer who functions as the chief law enforcement officer of the Nation, they merit impeachment by this body and trial by the Senate.

Accordingly, it is my duty to the Constitution, the people of the United States, and to the rule of law to vote for impeachment of the President.

Mr. MCWHUG, Mr. Speaker, as all of America knows, on December 11 and 23, the House Judiciary Committee approved four separate articles of impeachment against the President of the United States, William Jefferson Clinton. Today, with profound sorrow, but firm convictions, I cast my vote in support of Articles 1 and 2 of those charges. Articles 3 and 4, while constituting disturbing accusations alleging obstruction of justice and the failure of the President to deal honestly with the House of Representatives in the discharge of its constitutional duties, do not, in my judgment, contain sufficient specificity of clear and unquestioned misconduct to rise to a level of an impeachable offense. Clearly, however, the accusations described in Article 3 strongly suggest activity that warrants further examination and possible legal action against the President following the conclusion of his current term of office.

This has been the most difficult and heart-wrenching decision I have ever faced in my 14 years of elective office. It is a circumstance I never sought and it’s certainly a choice I never sought to make. And yet, the honor the good people of the 24th Congressional District have bestowed upon me requires that I now make a judgment.

For the past 12 months, I have watched and listened as the President’s predilection has evolved. With each new revelation, with each additional shred of evidence, it has become increasingly clear that the President has committed grievous wrongs. Still, like most Americans, I wanted desperately to forgive, to heal, and to move away from the pain, the anger, and the hurt. But, as the President again swore an oath of honesty under the longer term costs of a nation blind to the truth, while under oath. ‘’

To those who would say this action of impeachment is the result of nothing more than an admittedly unseemly, but nevertheless consensual, relationship between two adults, I respond that I deeply wish it were so. I would much prefer to leave judgment of highly private transgressions to those who have been most directly harmed by them. While the President’s indiscretions did, in fact, add to and even help light the path to his current legal troubles, they are not the cause of my decision today. In this instance, my vote is based on the fact that the America of today has grown from certain convictions of the past. Our democracy has outlived all others because, through all our marvelous diversity, we have always shared certain common bonds: belief in life, liberty, and the pursuit of happiness and the recognition that all are created and must live equally. The binding force of our national ideals has always been the rule of law—the recognition that the passage of the tyranny of kings brought an era wherein no citizen is above the law. This essential tenet that an oath of honesty before a court requires the whole truth, no matter how disruptive or unfortunate its consequences. The President knowingly and willfully ignored this solemn duty, a failure that in America today can be seen as the greatest shortcoming of our judicial system, that most sacred part of our democracy, where the heart may be inconceivable in prisons, denied of their liberty and rights, simply for not telling the truth.

As tragic as this original failure was unto itself, the President went beyond, seeking to further obscure, conspiring to conceal. When the President again swore an oath of honesty before a federal grand jury and repeated his deceptions, he again crossed a line that cannot be ignored. To do so would be to say to the thousands of Americans that each day pledge their truthfulness in the courtrooms of this land that their, for lack of power or position, would ever be judged differently from all others. For some 222 years, that irreplaceable tradition of our Nation was built. To do otherwise would be to dishonor the blood that has been spilled by so many in pursuit and preservation of the American dream. To do otherwise would be to hasten the goal of so many others whose perseverance objective is a world of tomorrow that is devoid of American honor and ideals. I cannot, I will not, be an accomplice to such a foul scheme.

To the President and his family, I would say I am deeply saddened by your pain. I pray that you find peace and redemption from your anguish. In his remarks to the American people on December 11, the President recalled the words of Omar Khayyam, wherein he noted the futility of struggling to erase the troubles of the past. Truly, those words hold much wisdom. It is important to remember, however, that especially in this most holy time of year, the greatest promise our faith can provide is that of redemption from our transgressions. This step in the process of salvation is the acceptance of our failings. May our actions this day, as wrenching as they may be, hasten us up the long, difficult path to a higher and better place. May God bless America.

Mrs. KELLY, Mr. Speaker, this is a sad day for me. It is a sad day for the country. Each of us in this body, on both sides of the aisle, today faces what is surely the most solemn duty of our lives; to decide whether it has become necessary to impeach a President of the United States. It is a duty, I dare say, that none of us, no matter how considerable the time listening to my district, I’ve heard many voices. All Americans struggle with the dilemma we face. The great debate is what to do with a popular President who has violated the very constructs of our safe, legal society. Ours is not a monarchy. Unfortunately, there is no easy way out. This is not about sex, it is about the law.

This vote is about what kind of country we will live in from this day forward. It is about whether we really believe in the “rule of law” or just pretend to abide it. It is about whether we really have faith in the principles and mechanisms set forth by our founding fathers in the Constitution, or will instead choose to be guided by TV pundits and polls. Perhaps we would all best be guided by the words of Edmund Burke who, in a speech to the House of Commons on November 3, 1774 said, “Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

In the words of the New York Times (12/14/98), "Mr. Clinton did lie repeatedly, in plain sight, while under oath.”

Mr. Clinton is not the first President who has lied to the American people. He is the first in
modern times to perjure himself in front of a grand jury. He lied not to protect the safety of American soldiers, to save the Republic, nor to trick a foreign despot in a game of political poker. He lied to thwart a court proceeding, in a sad attempt to conceal.

He broke his oath of office.

A CEO in my district would be fired for this. An attorney in my district would face disbarment; a member of my staff dismissed. All would face prosecution.

Should I overlook the President's crime because, as some suggest, he remains popular? Are we to disregard the President's perjury to spare the Country the agony of a Senate trial? Am I to vote against impeachment, thereby forgiving the President's conduct for which my constituents would face prosecution?

Certainly, the President has the same right as everyone else to the equal and unfettered protection of our judicial system. This process we undergo today is about whether we will ever again be able to honestly say to ourselves and to our children that we live in a country where no one is above the law. I still believe that is a country--it's not a perfect country. Unfortunately, there is hypocrisy, there is dishonesty, there is evasion of laws. These things surely exist in that country I believe in.

But if by our actions today we sanction hypocrisy, if by our vote we ratify dishonesty, if by our inaction we permit evasion of laws at the very highest level of our Government, then we will have forevermore surrendered the thing that makes us uniquely American—a free, yet legal, society.

Mr. HEFLEY. Mr. Speaker, as I walked from my office yesterday morning to this chamber, I was almost overcome by the weight of the responsibility thrust upon us. The idea of having to make a decision on the impeachment of a President is sobering and no one should approach it casually.

Mr. HYDE and Mr. GEPHARDT both did an excellent job of framing the issues, but from that point it was mostly downhill. The debate degenerated into small sound bytes of partisan demogogy interspersed with infrequent moments of lucidity.

Many talked of the inappropriateness of proceeding while our troops are in combat, as if we were somehow doing something to impede their efforts. Nonsense!

Others, argued that the President's behavior was "reprehensible", but that censure was the appropriate punishment. No, we are not here to contrive novel types of punishment for the President, or even to decide whether he should be removed from office.

We, in this House, are to determine whether enough evidence has been presented to convince us that there is substantial cause to believe that the President has committed offenses for which he should stand trial in the Senate.

This is our responsibility! No more! No less! One of the themes put forth by a number of speakers yesterday was, "He who is without sin, cast the first stone" or "vote as I vote." If this is the criteria, there will be no impeachments, or grand juries, or trial juries, for that matter. The scripture tells us, "All have sinned and come short of the glory of God." As I look out over this House I know this must be true.

We are, as a group with great strengths, but also great weaknesses. We have virtues and flaws. We are the representatives of over 250,000,000 Americans who themselves lack perfection.

No, no one here claims perfection and shame on any of us who wrap our robes of self-righteousness around ourself and finds joy in the task before us.

But perfection is not the question. The President is being judged not by saints but by a jury of his peers as the Constitution provides.

The questions we must answer center narrowly around a limited number of legal concepts. Perjury! Obstruction of Justice! Misuse of office! The decisions we must make should not be based upon polls, or number of phone calls, or political party, or even how we feel about the President personally.

Our decisions should be based on the evidence alone. It is on this evidence I have seen presented that I will cast my vote for impeachment.

Mr. STUMP. Mr. Speaker, I must rise today in support of the impeachment of President William Jefferson Clinton.

Having reviewed the compelling evidence that shows our President intentionally lied under oath and used his position to hinder the due process of law, I can reach no other conclusion.

Mr. Speaker, while my decision may be painful for the country, my conscience and high regard for the rule of law dictates that I support impeachment. I did not reach this conclusion lightly. I have carefully reviewed the facts of the case and consulted with my distinguished colleagues on the Judiciary Committee, including the esteemed Chairman, MR. HYDE.

Contributing to my decision, but not dictating it, is that I received an overwhelming number of calls and letters expressing their profound interest in ensuring that the President is held to the same laws as everyone else.

Mr. Speaker, today millions of teachers, parents—and even Scout Leaders—are watching to see whether we in Congress will ensure that the President of the United States is held to the same laws as everyone else.

I write to Mr. Hagerty to look those young men in the eye and tell them that lying under oath is not acceptable behavior, and that no man is above the law.

I want him to be able to tell those Scouts that despite the fact that it wasn't fun, or popular, the President of the United States did not find the Constitution above any single politician—even the President of the United States.

The young people of America must see by our vote—no matter how distasteful and regretful—that we are ensuring that the America of tomorrow will be a nation of strength, because the Congress of today has upheld the dictates of the Constitution.

Mr. Speaker, as a man of faith, I will vote for the articles because I believe it is the right vote to ensure the strength of America for the next generations.

Mr. WEYGAND. Mr. Speaker, twenty-three short months ago, I stood in the well of this House to take the oath of office. At that time, I could not imagine that during my first term I would be asked to consider the impeachment of the President of the United States. In fact, I could not imagine that I would do so at any time during my career in the House. I believe that as a member of the House of Representatives, short of sending young men and women to risk their lives in battle, impeachment is the gravest vote I can make.

More than two centuries ago, when our forefathers met to draft our Constitution, they were aware that from time to time extreme circumstances would arise in the life of the nation that would require the right of the people who freely elect their representatives to be superseded in order to protect the Union and preserve our political system, through the process of impeachment by the House of Representatives and removal by the United States Senate.

Throughout the process leading up to our historic vote, members of Congress have heard quite often the phrase in the Constitution outlining which offenses are considered grave and serious enough to merit impeachment. As it states in the Constitution in Article II, Section 4, "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, or other High Crimes and Misdemeanors."
At this juncture, it is critical to examine the framers’ expectations and understandings of this important phrase. The authors of the Constitution carefully chose every word, phrase and punctuation and, by doing so, created a timeless document. The Constitution has persevered throughout our nation’s history and has guided us through both its darkest and proudest time because of its deliberately chosen words.

The phrase describing what were considered impeachable offenses took many shapes before the adoption of the Constitution. The phrase ‘malpractice or neglect of duty’ was suggested, but shelved by the Committee of Detail which suggested the phrase ‘treason, bribery or corruption’. This phrase was also altered because it was too limited in scope and specifically mentioned certain crimes, all of which were official in nature. Immediately prior to the adoption of the final phrase, ‘high crimes and misdemeanors’, the Constitutional Convention also considered the term ‘maladministration’. Concerns were raised that ‘maladministration’ would be far too broad. By adopting ‘high crimes and misdemeanors’ in lieu of ‘maladministration’ I believe the framers of the Constitution were more interested in limiting the number and kind of offenses which are considered impeachable than expanding the type of transgressions serious enough to warrant the removal of a President duly elected by the people. Each of the terms considered prior to the adoption of the final wording, ‘neglect of duty’, ‘maladministration’ and ‘corruption’, referenced acts related to the official duties of the President not personal matters conducted by the President in his tenure in office. In addition, I believe the word ‘other’ in the phrase ‘treason, bribery and other high crimes and misdemeanors’ was precisely selected by the authors of the Constitution (emphasis added). In my view, the inclusion of ‘other’ affects the desire of our forefathers to include crimes and misdemeanors akin to treason and bribery in the list of impeachment offenses. Without the adjective ‘other’, the phrase would have another meaning entirely and would be interpreted very differently.

Before today, the four articles of impeachment, two of which bring forth accusations of perjury, one which alleges presidential abuse of power and one which indicts the President for obstruction of justice.

The first two articles, Article I and Article II, accuse the President of perjury in testimony given before a federal grand jury and during a deposition in a private civil case. Although I believe perjury is evident and there is a strong possibility that perjurious statements may have been made in both the civil deposition and before the grand jury, it does not reach the threshold for impeachment envisioned by our forefathers and authors of the Constitution.

As reprehensible as this behavior is, I do not believe that the alleged transgressions are linked to his official capacity as President of the United States, and thus will not support these two articles of impeachment.

Article III and Article IV allege obstruction of justice and abuse of presidential power. These two articles, due to their connection to the official duties of the President, were extremely serious and warrant our republic’s deserved intense examination. If proven, these offenses could have been impeachable. As one of the 31 members of my party who joined with my Republican colleagues on the vote to authorize the impeachment inquiry, I had hoped for fair and open hearings in the Judiciary Committee. To my dismay, that did not occur. In fact, I believe the Judiciary Committee failed to live up to its solemn duty and responsibility, under the authors of the Constitution, to ensure that “the Committee on the Judiciary... is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach William Jefferson Clinton, President of the United States of America.”

The Committee, in my opinion, did not fully examine the fundamental questions behind the charges of abuse of power and obstruction of justice. The Committee did not hold the allegations up to the bright light needed for an ardent cross-examination. Based on evidence and testimony presented to the Judiciary Committee, we do not know if the assertions made in the report by the Office of Independent Counsel can be corroborated or even contradicted. No material witnesses were called before the committee to answer specific questions about necessary details to uncover the truth. As our investigatory panel, the Judiciary Committee did not question witnesses who held the keys to discovering the facts behind these serious allegations. These articles are built upon an unstable foundation. None of the alleged charges, particularly those in Articles III and IV, are substantiated by any standard of proof, much less proven beyond a reasonable doubt.

Prior to the debate today, I joined with many of my colleagues in urging the leadership of the House of Representatives to permit a fair and reasonable vote on censure. Unfortunately, they have consistently refused to allow such a vote. Like the vast majority of American people and my constituents in Rhode Island, I believe that a severe censure and substantial fine is the most appropriate method to punish the President’s extremely reprehensible behavior. Censure is neither expressly permitted nor prohibited by the United States Constitution but has been used by Congress countless times throughout the history of our nation, most notably by the censure of President Andrew Jackson. While later expunged by a subsequent Congress, his censure has stood the test of time and has been received from the history books. In fact, history will forever proclaim President Jackson as being censured by the Senate, which remains an unenviable mark on his tenure as President. There should be no doubt that censure is an exceptionally serious rebuke and should be treated as such. In the absence of satisfactory proof, the allegations that there are, were NOT acts against the society as a whole. In fact, he was exonerated of any wrongdoing that fit that definition.

In Federalist No. 65, Alexander Hamilton writes: ‘The prosecution of them (impeachable charges) for that reason, will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused. In every case it will excite the passions of the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or the other; and in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties than by the real demonstrations of innocence or guilt.

And so, two hundred and eleven years later, we find ourselves exactly where Mr. Hamilton said we would be. The President engaged in extremely reprehensible and inappropriate behavior with a subordinate. He lied to his wife and his daughter, his friends, staff, the court, and most of all to the American people. The President’s actions were wrong, immoral and reckless. But, Mr. Hamilton was right. The charges have divided the nation. Congress is divided amongst ‘parties and pre-existing factions’. The President’s fate is not being decided on the facts but rather based on partisanship.

We are a nation led by our President carrying the flag of our country, the banner of principles of our people. He has been wounded by his own wrongdoing. But to abandon him or another for political reasons would be abandoning the very principles upon which the country was founded, a doctrine of fairness and justice for all. We cannot and must not tolerate or accept a system that dismantles the very foundation of our republic and this action, unfortunately, is an ominous signal.

The role of the House of Representatives in the impeachment process is not to be abused nor is it to be taken lightly. A vote for impeachment is by far one of the gravest and most challenging votes for any Congress and for any member. I urge my colleagues, on both sides of the aisle, to listen to your conscience, to realize the gravity of your vote and to realize that at the end of the day, you can act in a fair and reasonable manner and disprove Mr. Hamilton’s theory that the House of Representatives is incapable of acting justly. For to impeach the president for the charges as outlined in these Articles would be to affirm the partisanship feared by Mr. Hamilton, and how sad a commentary that is for our Congress and our country.

Mr. Speaker, I have not to this point formally announced how I would vote on these 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 one for the country at this time.

I have concluded that this President can and should continue in office for the remainder of his elected term.

In making my decision, I have looked carefully at the words of our Framers, particularly the founder of my hometown of Paterson, New Jersey, Alexander Hamilton. In Federalist No. 65, Hamilton not only outlined what offenses rise to the level of impeachment. He also left us a clear, unambiguous warning against the dangers of unruly partisanship in this process.

Hamilton spoke. I urge nesses that are an “abuse or violation of some PUBLIC TRUST,” and ones that “relate chiefly to injuries done immediately to the society itself.”

The President’s misdeeds, as wrong as they are, were NOT acts against the society as a whole. In fact, he was exonerated of any wrongdoing that fit that definition.

In that same passage, Hamilton stated that a partisan impeachment “threatened to agitate the passions of the whole community... to
divide it into parties . . . to connect itself with pre-existing factions . . . and to enlist their animosities, partialities, influence and interest."

Ironically, our colleague on the other side, Mr. Linder, echoed Hamilton’s warning just a few months ago, saying, “One party cannot impeach the other party’s President."

Well, this is exactly what has happened in this body. This process has been driven solely by those in one party—the majority party—the very path Hamilton told us to avoid.

No one has denied that the President acted in a manner unbecoming of the high office he is privileged to hold.

His actions are NOT, however, offenses that rise to the level of treason, bribery or other “high crimes and misdemeanors.”

In short, these are reprehensible acts for which the President should surely be punished. That punishment should fit his misdeeds. Censure is the appropriate penalty, but we have been denied this option by those driving this process for fear they will not extract the “pound of flesh” they seek.

My colleagues, I urge you as you cast your vote to look to history and the real facts in this case, and to look beyond partisan interests as the Constitution requires, and vote “no” on these articles of impeachment.

Mr. LAFALSE. Mr. Speaker, I rise in strong opposition to the pending articles of impeachment for the following reasons.

First, I believe the investigation by the Independent Counsel which has led to this point has been a tainted and politicized process designed to produce a political, not a legal or Constitutional result.

Second, if this House is to impeach the President, the burden of proof to establish clear and convincing evidence of wrongdoing rests with us. It is a burden the Republican majority has not sustained.

Third, the articles of impeachment before us do not specifically and meaningfully cite any conduct that remotely rises to the level of an impeachable offense: “Treason, Bribery, or other high Crimes and Misdemeanors.”

Fourth, passage of this resolution will subject the President to a Senate trial that the vast majority of Members in this House, and a vast majority of our citizens, do not believe will result in conviction or removal of this President.

Indeed, there are Members voting for this resolution precisely because they expect the Senate will not convict the President. That constitutes a cynical manipulation of an important constitutional process to a petty political end.

Finally, it is fundamentally unfair that the Republican Leadership will not permit a vote on censure as an alternative to impeachment. At the conclusion of the Senate trial that the vast majority of Members in this House, and a vast majority of our citizens, do not believe will result in conviction or removal of this President.

Indeed, there are Members voting for this resolution precisely because they expect the Senate will not convict the President. That constitutes a cynical manipulation of an important constitutional process to a petty political end.

When Starr asked the Attorney General for jurisdiction to extend his inquiry to encompass the President’s relationship with Monica Lewinsky, he withheld critical information relevant to the Attorney General’s assessment of his request. He had long been working in concert with Paula Jones’ attorneys, conducting a cover-up which necessarily suggested a clear bias, but he failed to disclose that fact. Starr was contacted several times by Mrs. Jones’ lawyer to discuss constitutional issues related to her suit against President Clinton and provided such advice. In fact, Starr advised Mrs. Jones by joining in a friend-of-the-court brief.

Ken Starr’s report repeats and exaggerates any conceivable evidence of wrongdoing, but grotesquely omits any exculpatory evidence. It is not, as Congress intended, an even-handed report. In fact, no one can even claim it is even-handed. Ken Starr has crossed the line and moved from being an objective and impartial investigator to being a clear advocate for impeachment.

This is the man on which the Republican majority has chosen to rely. I strongly believe that the Independent Counsel has not conducted an impartial investigation of a possible crime, as is his duty under the law. Instead, we have been subjected to a partisan investigation by a man in search of a crime. Ken Starr has conducted a biased inquiry designed to produce a preordained result.

After four years and the expenditure of tens of millions of dollars, Ken Starr was able to find nothing whatsoever that would subject the President to criminal liability regarding those issues that were originally investigated by the Starr team—i.e., Whitewater, “travelgate”, or misuse of FBI files. Yet Starr decided not to issue any report on those issues, and deliberately said nothing exculpatory until after the November election. Failing to come up with any criminal conduct on the issues that it had investigated, it has been forced to try to make an impeachment case out of very misleading statements about conduct which, however reprehensible and inexcusable, should have remained what it was—a private matter between consenting adults.

In passing the Independent Counsel statute, the intent of the Congress was to create a mechanism to ensure that anyone who investigated the President or a Cabinet official be of the highest ethical standards, completely impartial, free of conflicts of interest, and respectful of his own legal obligations and the rights of others. What we have instead in Ken Starr is a “self-righteous, underhanded prosecutor dedicated to destroying someone,” and “a man willing to deploy the most reprehensible methods to surveil and prosecute the President and establish clear and convincing evidence of impeachable crimes.”

And this is the man on which the Republican majority has chosen to rely for wrongful conduct of which we disapprove. It is one of the most significant and momentous steps that the House can take. It is the first step in the removal of a sitting President from office and the reversal of the results of an election. And it is being taken in defiance of the will of the majority of the public which has been, and remains, clearly in opposition to the impeachment and removal of this President on the basis of the facts thus far presented.

The members of both parties have a responsibility to be judicious in what we do here today. This should not be a partisan proceeding. There should be no impeachment unless there is clear and convincing evidence of conduct that clearly constitutes the equivalent of a high crime and misdemeanor. This is too important to be a close call.

Impeachment is not a purely legal nor a purely political act. It requires a judicious balancing of both legal and political judgment. But if the action we take is to be judicious and defensible not only today, but in the eyes of history, certain parameters are clear. We should only impeach if the American public nature. We should only impeach when the evidence is so strong and the conduct so clearly within the parameters of what the Constitution intends that the resolution to impeach can pass by a sizable and bipartisan majority. We should only impeach if the American public supports impeachment, or at the very least is ambivalent—certainly not when the vast majority of the American public is opposed.
And we should not impeach in a lame duck session of the Congress when votes are being cast by many Members who have been defeated and/or will not return. In fact, some argue such action is unconstitutional. Whatever the merits of that argument, such action is clearly unnecessary. There is no need or justification for us to take this important action in such haste.

Finally, we should only proceed if there are reasonable grounds for believing the evidence is such that the Senate might reasonably move to convict. Few believe the Senate will muster the 2/3 vote necessary to convict. It is the worst kind of cynicism to put the country through the trauma of a trial in the Senate in the face of a high probability that the impeachment process will end without conviction.

If there is a real desire for bipartisanship in this context, it would be reasonable to look to what the elder statesmen of the Republican party are suggesting. Both Republican former President Gerald Ford, who knows something about impeachment, and Republican presidential candidate Senator Robert Doles, who lost the election in the most recent election believes censure, not impeachment, is the appropriate option.

CONCLUSION

Assuming, for the sake of argument, the sincerity of those who want to impeach the President—and that is in some cases a hard assumption to make—shouldn’t they permit those who sincerely disagree but believe some punishment is appropriate to pursue the alternative which they believe legitimate—i.e., a resolution of censure? That would allow all Members to vote their consciences on this important issue. The rights of those who would impeach would not be infringed—they could simply vote “no” on a censure resolution.

But the Republican majority will not allow that option, because they are afraid it would pass. Instead, they are forcing Members who have serious doubts about impeachment but believe some serious punishment is appropriate to choose between impeachment and nothing.

The Republican majority has taken what should be an historic vote on an issue of conscience and trivialized it into political gamesmanship. On a vote of this import, that conduct is unconscionable. I will vote against the resolution.

Ms. McCarthy of Missouri. Mr. Speaker, I rise in opposition to H.R. 611, the four articles of impeachment against President William J. Clinton. I do so out of the motion to recommit so that censure of the President, a fair and bipartisan compromise, can be debated. To deny us the right to vote on censure is to deny us the right to express the truth of our conscience, and to deny the will of the majority of Americans who want Congress to censure the President, not impeach him.

I have carefully studied the evidence and arguments presented to the Judiciary Committee and have concluded that the articles of impeachment drafted by the Committee do not meet the impeachment threshold established by the framers as specifically outlined in our Constitution. Article II, Section 4 of the Constitution provides that the House of Representatives “shall remove from office [the President] on impeachment for treason, bribery or other high crimes and misdemeanors.” My interpretation of the intent of the framers is that the phrase “other high crimes and misdemeanors” is limited to acts with the magnitude and gravity of the crimes of treason and bribery, crimes that do direct harm to the institutions of our government.

Perhaps in avert use of impeachment in a partisan effort to derail a political agenda, Alexander Hamilton wrote that an impeachable offense is of the nature which “may with peculiar propriety be denominated political, as they relate chiefly to injuries done immediately to the society itself.” The Judiciary Committee has not demonstrated that the President has so subverted our Constitution and threatened our system of government as to corrupt our Republic.

I do support a strong and punitive censure resolution of the President for his reprehensible actions. It is unfair to deny America’s Representatives in Congress the opportunity to take positive action on a bipartisan compromise of censure. Censure is warranted, appropriate, and would not undo two national elections nor preclude future legal action that a conviction in the Senate may not. A censure resolution, by which a court could find when the President returns to the private sector. In addition, the President will face the judgment of history just
as we in the Congress will be judged by this defining moment. I urge all of my colleagues to vote to recom- mit H.R. 611, the articles of impeachment, and support a motion to censure. By not achieving the threshold established in the Constitution's Article II, Section 4, we will have failed in our duty to preserve and protect the law of our land.

Mr. LATOURETTE. Mr. Speaker, it is not our job to determine if the president is guilty of being a philanderer, a coward, a sinner, or even a liar.

This issue is not whether he was unfaithful but whether he was unfaithful to our laws, and our Constitution. No president, even a popular one, has the right to cheat on the most sacred document in the world.

For those who favor a censure that amounts to nothing more than a verbal spanking, how do we adequately rebuke a man who insists he's done nothing wrong, who flaunts the law and wants to manipulate the Constitution?

The law does recognize that a lesser pen- altv should apply to those with remorse and a contribution to the process.

There cannot be two standards under the law, just as there cannot be a geographically desirable place to lie under oath. The law does not pause, even if you are the President of the United States.

I would urge my colleagues to consider the law as we have been instructed to do.

We as a nation are not made up of martial members of our military and subject them to 50 years of jail time for lying under oath to cover up sexual indis- cretions, should the punishment be nothing for a president or any other citizen of this land? We cannot reconcile that which makes no sense.

Sometimes in this life somebody has to not just be the adult, but the bigger adult. Our president refuses to go down that path.

He allowed a casual workplace flirtation to go to a place it never should have gone, and then acted as if he was somehow victimized.

He put our country through months of deni- als and defiance and outright lies. He knew the stakes and the consequences of lying under oath, and then did so anyway.

I gave this president every benefit of the doubt for years by his inability and refus- al to place the country first.

Lying under oath is not nothing. Perjury is not nothing. As a prosecutor, I sent people to jail for this crime.

I would give anything to be elsewhere today, to not have to cast this vote. Our Presi- dent left us, left me, with no other option.

Mr. President, you gave into your shame. I refuse to do the same.

While partisan politics makes an easy foil for the predicament President Clinton finds himself, it cannot be blamed.

When the spin and partisan hostility fade, I am confident that history will reveal that President Clinton was the master of his own de- mise in both words and deeds.

Ms. RIVERS. Mr. Speaker, I do not approve of nor defend, the behavior of the president that has brought us here. I have no interest in helping him avoid the legal consequences of those acts. However, I have every interest in making sure those consequences are constitu- tional.

The Constitution tells us a President can only be impeached and removed by Congress for treason, bribery and other high crimes and misdemeanors. The founding fathers were clear that the careful balance of powers be- tween the branches could be altered in only the most extraordinary circumstances.

Alexander Hamilton in The Federalist #65 argued that impeachment is meant to address "the misconduct of public men," "the violation of some public trust," or "to address injuries done immediately to the Society...''

Woodeson, a legal scholar whose writings in 1777 were nearly contemporaneous with the drafting of the constitution, and whose views on English impeachment provided the foundation for much of the impeachment discussion in the Constitutional Convention spoke to the use of impeachment to prosecute "magistrates and officers instructed with the administration of public affairs [who] abuse their delegated powers to the extension detriment of the com- munity, and... in a manner not properly cognitible before ordinary tribunals."

The standards set forth by the founding fa- thers remain vital and immutable—we are not free to add to the list of impeachable offenses, no matter how worthy our additions.

Just last year in Clinton v. Jones—in a 9- 0 decision, the Supreme Court referred to the historical standard for impeachment when it quoted James Wilson—delegate to both the Philadelphia and Pennsylvania conventions— who said that "although the President is placed on high, not a single privilege is an- nexed to his character; far from being above the laws in the strict sense, he is amenable to them... as a private character as a citizen and in his public char- acter by impeachment."

The justices go on to say that "with respect to acts taken in his "public character':... that is official acts... the President may be disciplined, principally by impeachment... But he is oth- erwise subject to the laws for his purely pri- vate acts."

As you probably recall, the Supreme Court allowed Ms. Jones lawsuit was allowed to go forward expressly because it was the per- sonal, private conduct of the President that was at issue. The conduct before us is the same.

The history is clear and so is our duty. The behavior at issue here—if proven—are punish- able in the Courts. They are not, however, of the "public" character necessary to rise to the level of impeachable offenses.

I will vote no—not because I believe the President should be able to avoid the legal conse- quences ordinary Americans would face in similar circumstances, but because I believe he should face exactly the same conse- quences: trial in a court of law. This out- come does not subvert the law, as the major- ity argues, but in fact, observes the law as the Constitution demands. The founding fathers, more than 200 years ago, and the Supreme Court, just last year, laid out the course we must follow.

The Constitution must be our guide. The wrath that the citizens of this country delivered upon us when we shut down the government will be nothing compared to what will happen if we rape the Constitution.

Mr. LoBIONDO. Mr. Speaker, voting for the articles of impeachment will be one of the most difficult votes I will cast in my career. I cannot think of anything more serious for my- self and the nation. I have put more effort into this issue than any other I have made in this elected office. I have spoken personally with hundreds of constituents, read mountains of corre- spondence, and carefully listened to legal arguments on both sides of the issue.

The President has an obligation set out in Article II, Section 3 of the Constitution to "take Care that the Laws be faithfully executed." The President is the Nation's chief law en- forcement officer who appoints the Attorney General and nominates all federal judges in- cluding the Supreme Court. It is the President's good conscience allow the President to violate the law and his Constitutional duty without con- sequence.

I have come to my decision after a long and careful consideration of the facts. These facts have not been disputed. There is clear and convincing evidence that the President broke the law. The laws he broke are serious enough to warrant impeachment. Specifically, the evidence demonstrates that the President committed perjury and perjury is a felony pun- ishable by up to five years in prison. If Con- gress chose to ignore the President's actions, we would set the dangerous precedent that some are above the law. But the truth is no one is above the law, and everyone has an obligation to uphold the law no matter how emotionally uncomfortable compliance might be.

If the House ultimately decides to approve one or more impeachment articles, the Con- stitution charges the Senate with the respon- sibility to decide what should be taken. I hope they act expeditiously and I will abide by their decision. This has been an ex- tremely wearisome experience for the country and it is in everybody's best interest to bring closure soon.

Mr. FOSSELLA. Mr. Speaker, over the past few months I have reviewed, in some in- stances more than once, the evidence in this case in an objective and dispassionate man- ner.

Perjury, or lying under oath, is a felony. As evidence, there are American citizens in jail today because they did not tell the truth, the whole truth and nothing but the truth in a court of law. The foundation of our legal system is premised upon the rule that when any citizen raises his or her hand and swears to tell the truth, he or she will tell the truth.

In my community, as in every community throughout our nation, juries have reaffirmed that fundamental principle. Today in New York due to a felony conviction: A Police Officer would lose his job, lose his pension and go to jail; an attorney would face automatic disbar- ment and go to jail; and a captain in the United States Army could be subject to court martial and go to jail.

In reviewing the evidence, it became clear and convincing to me that the President lied under oath in a civil proceeding and in testify- ing before a Federal Grand Jury. In this case I believe there is sufficient evidence that Wil- liam Jefferson Clinton committed perjury and abused the office of the presidency. Accord- ingly, I will take the only course of action that the United States Constitution has mandated me to do—I will vote for impeachment and let the United State Senate conduct a trial to de- termine the ultimate outcome.

I understand that this decision may not sit well with some people. And I appreciate that many Americans have take the time to voice their opinions. But, it is my firm belief that I must do what I believe is right. Indeed, there are those who acknowledged that the Presi- dent has committed a felony, yet will not sum- mon the courage to move this matter to the Senate for trial. I cannot defend the in- defensible and maintain a clear conscience. I
cannot in good conscience justify a vote against impeachment.

The integrity of the judicial system and the rule of law must be maintained regardless of who comes before it. We cannot ignore the rule of law for the President, but apply it to the ordinary citizen.

Our founding fathers and many of our ancestors escaped the tyranny where the King was law. Millions have fought, hundreds of thousands have died and many are fighting today to preserve our shores, to preserve the freedom and rule of law that we enjoy. This vote is cast to preserve the notion for our children and future generations of Americans yet unborn that in the United States of America the law is King.

Mr. LAZIO of New York. Mr. Speaker, after accompanying the President as he returned home from the Middle East, I return to the House of Representatives to vote on authorizing his trial of impeachment in the Senate. Aloft in Air Force One I was deeply impressed once again by the way St. John Paul II handled things. The Pope faced his disease, and stable institution that transcends even the finest men who have occupied the office. Through some may add to it and others may subtract from it, the office remains imperturbable because it represents not only the Nation but also the whole world and the truth must be said.

I bear no animus for Bill Clinton. I have no grudge against him. Nor would I consider removing a President from office because of partisan differences. For one thing, the President has on many occasions adopted Republican positions, and on various subjects his political outlook is congenial to mine. For another, his replacement should he be removed from office or resign would be the Vice President, a man who has been less aligned with my political outlook than the current holder of the office. This is neither a personal nor a partisan decision. Its difficulty lies in the rare but important conflict between what is expedient in the short term and what resonates as a guiding principle for time with no limit. It is not about the fate of one man, but the value of truth itself, the principle that no man, no matter how rich or powerful, is above the law. It is about the notion of accountability, and about dealing straight and keeping one’s word.

Public truth must be partners. A leader who tells the truth no matter what the cost to him is a leader who puts the interests of the country before his own, and thus with these priorities, has the power of moral suasion. He is able to call upon a vast reservoir of the country and the constitution before his own, and thus with the thought of helping him to be so. Unlike the ordinary citizen, his decisions are insulated and he is protected. And history weighs heavily for the very significance in which he sacrifices for the sake of the nation he leads, for every instance in which he choose forthrightness rather than obfuscation: in short, for his character.

Therefore, when a President fails in his duty as an ordinary citizen does not, the failure is catastrophic. Shall less be expected of the President than of you or me? It has always been that we expect and deserve of the President a great deal more. Nor is the case in a partisan action. For a high school principal, a corporate executive, a military officer, or anyone else, it would not be a private matter. Here, the trustee of the greatest of world powers knows that he will be in a sworn legal proceeding, consults with advisors (including taxpayer-paid and White House lawyers), for months, has full notice, appears voluntarily before a criminal grand jury (though only due to the existence of incontrovertible evidence), and still cannot bring himself to do what the Government he heads insists every day that we all do—tell the truth.

For me, the turning point was the President’s written response to the 81 questions posed by the Judiciary Committee. The only thing required of him was the truth. The questions were submitted with the hope and expectation that he would put the interests of the country and the constitution before his own, that he would cease the very elaborate game of “false denial.” And the President continues to profess that “false denials” are not lies. This is a catastrophic abdication of ethical leadership and a grave departure from our most fundamental practices.

I have chosen my course, and will vote for impeachment, to hammer home as best I can that we must continue to insist that no one is above the law and that the truth must be told. We simply cannot tolerate dishonesty in the heart of our Government. This is what I was brought up to believe, and I believe it still.

Mrs. ESHOO. Mr. Speaker, today, December 19, 1998, is a day of infamy in the House of Representatives. I believe history will record that on this day, the House of the People, through searing partisanship, disallowed the right of each Member to express his or her own conscience. Today, only votes on impeachment are a day of infamy in the House of Representatives.

A flawed case was brought forward by the House Judiciary Committee. I say “flawed” because the Framers’ intent for removal of the Chief Executive was set at the highest level—treason, bribery, and high crimes against the people. The President’s actions, morally wrong as I judge them, do not meet this constitutional standard.

The lessons of history—1868 and 1974 are instructive. Today, our Chamber, in 1998, mirrors the framers’ intent for non-partisan action of the Congress ripped at the fabric of our nation and weakened the Constitution and the Presidency for decades.

The 1974 experience differed in that the evidence brought forward and the deliberations were highly bipartisan. No non-partisan action of the Congress took. And importantly, the people of our Nation agreed with the actions Congress took. I believe that censure is not barred by the Constitution. The Constitution and the Federalist Papers are silent on censure. Hundreds of scholars have spoken on this. Why would the Republican majority so fear a vote being allowed and taken in the House today?

Impeachment of the President is the constitutional equivalent of the death penalty. But the rule of law—one of no grands jury, of no trial, of no bribery, and of no criminal indictment—is beyond the proportionality of what the President has done and the punishment deserved.

The citizens of our nation do not support impeachment. Almost half the Congress does not support impeachment. Without clear consensus in our Nation, without critical bipartisanism in this House, without proportionality relative to the rule of law, and without a clear case that can withstand the scrutiny of history, we stand on a slippery slope, and I believe our Nation is placed in jeopardy.

Mr. Speaker, our flag is the symbol of our Nation but the Constitution is the soul of our Nation.

Today we tear at the soul of our Nation.

There is no doubt that by his actions Bill Clinton has brought shame as President. But today this body has set itself on a treacherous course of both weakening the Presidency and diminishing the Constitution. This action in 1998 I believe will haunt us in history just as 1868 did.

Mrs. CUBIN. Mr. Speaker, after weeks of soul-searching, hearing from the people of Wyoming, and a thorough review of the evidence, I have reached a painful decision. After a thorough review of the evidence and bringing it to all Americans, I believe the President’s actions are a deliberate attempt to deceive the American people and bring humiliation to another human being. At this crucial time, however, we have to put the good of the Republic, the integrity of the Constitution, and the rule of law above all else to protect the future of the United States Constitution and that of the rule of law. We need a leader who can understand the importance of being a leader and who can live up to his oath of office.

This is an awesome responsibility that none of us take lightly, certainly not me.
Perjury, obstruction of justice, and abuse of power undermine the basis of our judicial system, our system of laws, thereby undermining the very foundation of this great country. I recognize the profound effect my vote will have on the future of our democracy and most importantly, on the future that we have on the future of our children. It may well be the most important vote I ever cast during my years of public service.

I want you to know I have prayed for guidance every day. After examining all the material, weighing the evidence, listening to the testimony and to the President, and making myself familiar with all the information I can, I have come to the sad conclusion that I must vote for all four proposed articles of impeachment against the President of the United States. In my view, there is no doubt the President's actions warrant impeachment and a subsequent trial in the Senate.

None of us are perfect, and we can all be forgiven for what we do in life. However, forgiveness does not negate the fact that every action we take has life consequences. President Clinton is not just our head of state. He is the most powerful public servant in the country, probably the world. He took an oath to uphold the Constitution and laws of our land. The American people are right to hold him to this high standard, and the Congress is right to uphold the Constitution when the President fails to do so.

I implore the President to resign in order to spare the country and the people of America the painful and embarrassing experience of going through further impeachment proceedings. The decision is his, the President. I have the solemn duty to vote to impeach William Jefferson Clinton.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Friday, December 18, 1998, the previous question is ordered on the resolution.

MOTION TO RECOMMITE OFFERED BY MR. BOUCHER

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

The SPEAKER pro tempore.

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

The SPEAKER pro tempore.

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

The Clerk will report the motion to recommit.

The Clerk reads as follows:

Mr. BOUCHER moves to recommit the resolution H. Res. 611 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the resolving clause and insert the following:

That it is the sense of the House that—

(1) on January 20, 1993, William J. Jefferson Clinton took the oath prescribed by the Constitution of the United States faithfully to execute the office of President; implicit in that oath is the obligation that the President set an example of high moral standards and conduct himself in a manner that fosters respect for the truth; and William J. Jefferson Clinton, has egregiously failed in this obligation, and through his actions violated the trust he placed in the people, lessened his esteem for the office of President, and dis-honored the office which they have entrusted to him;

(2)(A) William J. Jefferson Clinton made false statements concerning his reprehensible conduct with a subordinate;

(B) William J. Jefferson Clinton wrongly took steps to delay discovery of the truth; and

(C) inasmuch as no person is above the law, William J. Jefferson Clinton remains subject to criminal and civil penalties; and

(3) William J. Jefferson Clinton, President of the United States, by his conduct has brought upon himself the censure and condemnation of the American people and this House.

Mr. SOLOMON. Mr. Speaker, I reserve a point of order against the motions to recommit. The SPEAKER pro tempore.

The Speaker recognizes the gentleman from Virginia (Mr. BOUCHER) for 5 minutes.

Mr. BOUCHER. Mr. Speaker, this debate comes very late, and it comes in a procedurally awkward manner. The resolution of censure that I am pleased to offer today was made in order for consideration in the Committee on the Judiciary by the gentleman from Illinois (Mr. HYDE), the chairman.

He understood the importance of an evenhanded process. He understood the need for balance. He perceived that fairness required the availability to the Members of the outcome for this investigation, which is the clear preference of the American people, the passage of a resolution of censure that admonishes the President for his conduct.

I commend the gentleman from Illinois (Mr. HYDE) for that evenhandedness. I can only wish that his example had been followed by the majority leadership in the House. With the leadership's concurrence, the Committee on Rules could have been convened, and a procedural resolution allowing the Speaker to adopt both the articles of impeachment and a resolution of censure could have been reported and adopted by the House. This censure resolution could have and should have been made in order from the start.

But that did not occur. The Members of the House did not have a censure alternative available to them from the beginning, and a point of order has been reserved to this resolution offered at the present time. I very much regret this procedure. I think it is a monument to unfairness.

Not only is a censure and rebuke of the President the public's clear choice, but it is the right thing to do. The constitutional line clearly instructs us that the presidential impeachment power is to be used only as a last resort at times of true national emergency. Its purpose is to remove from office a president whose conduct threatens the very foundations of our system of government. It is a drastic remedy for the removal of a tyrant. It should not be used to remove a president whose offense is a shameful affair and its efforts to conceal it. For that offense he can be tried in a court of law. For that offense he can and should be censured by this House. That would be a perfect expression of the public's entirely justified outrage.

But it is the impeachment power for that conduct defines it down, cheapens its use, lowers the standard of impeachment for all time, and will inherently weaken the presidential office. Censure is the right approach. I urge approval of this resolution.

Mr. Speaker, I urge my colleagues to yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader. (Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I stood on this floor yesterday and implored all of us to say that the politics of slash and burn must end. I implored all of us that we must turn away from the politics of personal destruction and return to the politics of values.

It is with that same passion that I say to all of you today that the gentleman from Louisiana (Mr. BOB LIVINGSTON) is a worthy and good and honorable man.

I believe his decision to retire is a terrible capitulation to the negative forces that are consuming this political system and our country, and I pray with all my heart that he will reconsider this decision.

Our Founding Fathers created a system of government of men, not of angels. No one standing in this House today can pass the puritanical test of purity that some are demanding that our elected leaders take. If we demand that mere mortals live up to this standard, we will see our seats of government lay empty and we will see the best able people unfairly cast out of public service.

We need to stop destroying imperfect people at the altar of an unbeatable morality. We need to start living up to the standards which the public in its infinite wisdom understands, that imperfect people must strive towards, but too often fall short.

We are now rapidly descending into a politics where life imitates farce, frat-rifice dominates our public debate, and America is held hostage to tactics of smear and fear.

Let all of us here today say no to resignation, no to impeachment, no to hatred, no to intolerance of each other, and no to vicious self-righteousness.

Let all of us here today say that starting is not enough. We need to start binding up our wounds. We need to end this downward spiral which will culminate in the death of representative democracy.

I believe this healing can start today by changing the course we have begun. This is exactly why we need this today to be bipartisan. This is why we ask the opportunity to vote on a bipartisan censure resolution, to begin the process
of healing our Nation and healing our people.

We are on the brink of the abyss. The only way we stop this insanity is through the force of our own will. The only way we stop this spiral is for all of us to be free.

Let us step back from the abyss and let us begin a new politics of respect and fairness and decency, which realizes what has come before.

May the American people be the conscience of this Congress, and may Congress have the wisdom and the courage and the goodness to save itself today.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore (Mr. LaHood). The gentleman from Wisconsin (Mr. Sensenbrenner) is recognized for 5 minutes.

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

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. Sensenbrenner) for yielding to me, and I rise in opposition to the motion to reconsider.

The gentleman from Missouri (Mr. Gephardt) has, with his customary dignity and good grace, made a passionate appeal for the motion to recommit. I submit to the House, however, that the motion to reconsider must be rejected by this House.

The motion to reconsider must be rejected first and foremost because we do not sit in judgment on the President for his sins. We do not sit in judgment on the President for his frailties, for his human failings. That is not our responsibility.

But today in this House we do sit in judgment on the President of the United States for his crimes. And it is because of his crimes that this motion must be rejected.

It must be rejected first because the proposal for censure is outside the framework established by our Constitution. As the gentleman from Illinois (Mr. Hyde), chairman of the Committee on the Judiciary, so eloquently explained, the Constitution establishes a single method for this Congress to sit in judgment on the misconduct of a President. The constitutional method is impeachment by the House and trial in the Senate.

Other methods may seem to us more convenient or more comfortable, but our standard cannot be comfort or convenience. Our standard must be and always remain our Constitution.

Are we in this House so fearful of following the constitutional standard? Do we have too little faith in the institutions of our government and the path marked out for us in our Constitution that we would turn aside and subvert our opinions for the wisdom of the Framers and go down another path? Our answer must be no. We must stay on the path laid out for us in the Constitution.

To those who say that a vote of censure is a matter of conscience, I must say that their consciences do not bind the Committee on the Judiciary to bring before this House a measure which we judge to be harmful and dangerous because it is outside the constitutional framework, a measure which violates the separation of powers. Their consciences do not trump our Constitution.

And I must also ask this: If expressing a censure of the President is such a matter of conscience, why have they not done what is clearly within their power and which raises no constitutional problems? They have not impeached President Clinton. Why has the Democratic Caucus, by its own solemn act and resolution, not censured President Clinton? With all due respect to my Democratic friends, I must suggest, if their consciences were so stricken, they would have the courage to tell the President that his defense rests on the argument that Ms. Lewinsky told a lie, that she did not have sex with him.

We must reject censure because the President’s defense rests squarely, we must sadly conclude, on the denial of the obvious and the assertion of pure nonsense. To this day, the President’s defense rests on the claim that he told the truth and that he denied that he had any specific recollection of ever being alone with Ms. Lewinsky. Who in this House believes that? Who in this country believes that? To this day, the President’s defense rests on the argument that Ms. Lewinsky told the truth and that he did not have sex with her.

How sad it is that the President of the United States is reduced to making such nonsensical arguments. What rational person can accept such a defense? Such a defense is an insult to our intelligence, an insult to judgment and to common sense.

Finally, we must reject censure because under our Constitution, the President’s crimes, not his sins, not his human failings, but his crimes demand impeachment. William Jefferson Clinton.

Mr. Speaker, I ask unanimous consent to insert the box containing the following recommendations. These recommendations are based on an orderly set of factual rulings from the record of this House.

The SPEAKER pro tempore. Does the gentleman from New York (Mr. Solomon) insist on his point of order?

Mr. SOLOMON. Mr. Speaker, I do insist on my point of order and I wish to be recognized.

Mr. Speaker, I make the point of order against this motion to recommit on the grounds that it does violate clause 7 of House Rule XVI, that is the germaneness rule.

Mr. Speaker, this rule is a rule of the House and it requires amendments to be germane to the text that one is attempting to amend. And, Mr. Speaker, House Resolution 611, a resolution impeaching President Clinton for high crimes and misdemeanors, was reported as a question of privilege of the House under Rule IX. This privileged status is established by the Constitution in Article I, Section 2, which grants the House the sole power of impeachment.

Mr. Speaker, in order to be held germane, an amendment must share a fundamental purpose with the text one attempts to amend. Impeachment is the prescribed mechanism to address this conduct by the chief executive, and any other procedure has no foundation in the Constitution and is not contemplated by the separation of powers.

To attempt to substitute a censure for impeachment is to negate the overall purpose of the Constitution’s impeachment clause.

Mr. Speaker, the fundamental purpose of the motion to reconsider present before the House obviously does not conform to the fundamental purpose of the impeachment resolution. It proposes a different end, a different result and a different method of achieving that end.

Mr. Speaker, I urge the Chair to sustain this point of order.

I ask unanimous consent to insert extraneous matter at this point in the RECORD. It is a “Dear Colleague” letter to Members from myself and the incoming chairman of the Committee on Rules, the gentleman from California (Mr. Dreier). Finally, Mr. Speaker, let me just say that this House has a tradition, it has a tradition of nonpartisan rulings by the Chair on questions of germaneness. Indeed, the point of order the House is a nonpartisan officer of the majority and minority party Members. These recommendations are based on an orderly set of factual rulings from
Mr. Speaker, I urge you to continue your reputation of fairness and sustain this point of order.

The SPEAKER pro tempore (Mr. LATHAM). Extra parliamentary material will be inserted after the point of order is disposed of.

Does the gentleman from Massachusetts wish to be heard on the point of order? Mr. MOAKLEY. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, there is nothing unusual or unprecedented in offering this motion. On many occasions the House has debated resolutions to censure presidents, other executive officials, even private citizens. In fact, Mr. Speaker, the House has even debated an amendment to convert articles of impeachment into a censure resolution. In 1830, Mr. Speaker, no one even questioned the legitimacy of that amendment.

The Boucher amendment to censure the President is germane to the articles of impeachment that we find before us.

Mr. Speaker, in proposing this amendment, we are simply following the precedents of the House. The 3rd volume of Precedents; section 2937, clearly records that during the impeachment of Judge James Peck, Representative Edward Everett of Massachusetts offered an amendment to an impeachment resolution. That amendment stated that the "House does not approve of the conduct of James Peck" and goes on to recommend that he not be impeached. This is, in essence, Mr. Speaker, what the motion of the gentleman from Virginia (Mr. BOUCHER) does.

The Boucher amendment strikes out the articles of impeachment and, in a more expansive formulation, states that the "House does not approve of the conduct of President Clinton. The House went on to defeat Representative EVERTT's amendment, but it was offered, it was debated, and it was voted upon.

Mr. Speaker, we are asking for the same consideration that the precedents of the House prove has been given. And Mr. Speaker, the Peck case is not the only time that the House has considered censure of an individual subject to impeachment.

In a recent study, the Congressional Research Service reported that the House has considered censure of executive officials, a total of 9 times. And the House also has censured its own Members.

The Republican-led House has considered numerous resolutions expressing its disapproval of individuals and their conduct. Just recently the House condemned travel by Louis Farrakhan and the House castigated the remarks of Sara Lister, Assistant Secretary of the Army for Manpower. The House even expressed itself on the President's assertions of executive privilege. And the House expressed its views on many other matters.

Surely, Mr. Speaker, if the House can appropriate the conduct of the President comportment, it can censure the deplorable behavior of President Clinton, and we are simply asking for that opportunity.

The gentleman from New York (Mr. SOLOMON) makes the point of order that the amendment is nongermane. The amendment could be challenged on three grounds: First, that it is not germane to amend privileged material with nonprivileged material; second, that even if censure is considered as privileged, the fundamental purpose of impeachment is different from censure; and third, censure is not a constitutionally sound remedy.

On the first argument, Mr. Speaker, the Chair may be tempted to follow footnote 8 on page 1625 in volume 3, chapter 14, section 1.3 which states that it is not germane to amend impeachment which is material with censure which is nonprivileged material. But I ask the Chair to withhold judgment of this flaw on the face of the language itself. It acknowledges that this is not a matter of precedent because the issue has never arisen. Again, Mr. Speaker, this is not a matter of precedent because the issue has never arisen.

Moreover, it is clearly established that resolutions of censure have been considered as privileged in the past.

In the second volume of Hinds, section 1625, a Mr. A.P. Field was reappraised in the well of the House by the Speaker pursuant to a privileged resolution. And this is not the only case, Mr. Speaker. The 6th volume of Cannons precedents, section 333, records that in 1913, a Mr. Charles Glover was also brought to the well of the House. He was reprimanded by the Speaker pursuant to a privileged resolution.

Mr. Speaker, it is clearly established that resolutions that provide for censure or reprimand have been considered as privileged in the past. In sum, it is supported by the precedents that resolutions of censure have been treated as privileged by this House and, therefore, the argument that it is not germane to amend privileged matters with nonprivileged material is not at issue in this case.

The second line of argument my Republican colleagues use is that censure has a fundamentally different purpose than impeachment. The argument is that impeachment is intended to remedy a constitutional crisis whereas censure is designed to punish.

Mr. Speaker, let me ask, where is the remedial meaning in phrases such as "acted in a manner subversive of the Federal Union," whereas the language of the indictment is that "behaved disreputably toward the presidency" and "exhibited contempt for the inquiry"?

These words of censure are found in the very articles before us. Clearly, Mr. Speaker, this language is meant to inflict punishment on the President, punishment that is at odds with the remedial nature of impeachment.

The articles of impeachment also touch on this issue of punishment by proposing that the President be tried, convicted, removed from office and forbidden to hold any office in the future. In fact, Mr. Speaker, the House has never, ever recommended to the Senate that the person being impeached also be prohibited from holding other positions. The highly-charged, politically-motivated impeachment of President Andrew Johnson, the House did not dare recommend to the Senate an appropriate punishment.

The committee clearly intends not only to remedy the situation by impeaching the President but also intends to punish him by its disqualification to hold and enjoy office of honor, trust or profit under the United States.

The words of Alexander Hamilton in Federalist 65 are instructive. When discussing impeachment, Hamilton uses the word "punishment" to describe being denied future public office. It certainly sounds like punishment to me, Mr. Speaker.

Mr. Hamilton also describes that punishment as being "sentenced to a perpetual ostracism from the esteem and confidence and honors and emoluments of this country." Clearly, Alexander Hamilton believed that denial of future public office was intended to be punitive as well as remedial.

Mr. Speaker, since this resolution contains both remedial impeachment and punitive censure, it should be germane to propose censure alone. The Committee on the Judiciary itself has opened the door by censuring the President.

The last argument that is being pronounced is that censure is not a constitutionally sound remedy. I would urge the Speaker not to entertain this argument. It is well established that the presiding officer does not pass judgment on the constitutionality of any proposed legislation, 8 Cannon section 303.

If the Speaker still feels constrained to address the constitutional question, I remind the Chair that the House has attempted to censure Federal officials numerous times in the past and has in fact voted to censure individuals.

Not once, Mr. Speaker, not once has there been a successful constitutional challenge. Clearly, censure is not prohibited by the Constitution.

Mr. Speaker, I respectfully remind the Chair that you are ruling on a profoundly important matter, a matter of whether to allow us a vote of conscience in the matter of impeachment.

In the 210 years of Congress, 210 years that Congress has been in existence, no challenge has ever been called on a rule whether censure is germane to impeachment. I repeat that. In 210 years, the Chair has never been called on to rule on that. Your decision would be
the first and the only such decision and will be recorded in the rule books as such.

Volume 3 of Deschler’s notes, and I quote, “the issue of whether a proposition to censure a Federal officer would be germane to a proposition for his impeachment has not arisen.” While the Chair was not asked to rule on the question then, the House has considered an amendment to the impeachment resolution to censure Judge Peck and in has in other instances considered censure resolutions as privileged.

Mr. Speaker, it has happened in the past. I urge the Chair to follow the weight of House practice and to overrule the point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

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

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of the point of order because it is not germane to House Resolution 611.

Clause 7 of rule XVI of the rules of the House of Representatives provides that “no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.” Prior rulings of the House have held this provision applicable to motions to recommit with or without instructions. A motion to recommit is not in order if it would not be in order as an amendment to the underlying proposition.

The constitutional prerogatives of the House, such as impeachment and matters incidental thereto, are questions of high privilege under rule IX of the House rules.

A joint or simple resolution evincing the disapproval of the House is not a question of privilege under the rules of the House.

Further, the fundamental principle of such a censure resolution is inconsistent with the fundamental purpose of amendment resolutions.

I would point out to the Chair that the motion to recommit with instructions that is under consideration here is not even a censure motion. It is a sense of the Congress resolution, and I would refer the Chair to the last four lines of their resolution, that William Jefferson Clinton, President of the United States, by his conduct has brought upon himself and fully deserves the censure and condemnation of the American people and this House.

It says he deserves the censure but it does not censure him.

We have heard an awful lot about the rule of law during this debate, which I think has been one of the finest debates that the House has had.

This is our opportunity to uphold our rules, our laws, and I would strongly urge the Chair to sustain the point of order.

The SPEAKER pro tempore (Mr. LAHOOOD). Are there other Members who wish to be heard?

The Chair recognizes the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I wish to be heard on the point of order and so I urge you to overrule the point of order.

Mr. Speaker, the argument has been made that censure is unprecedented, uncommon or unconstitutional. That simply is not the case.

In the impeachment of Judge Peck, an amendment was offered that contained a censure. The gentleman from Massachusetts (Mr. MOAKLEY) spoke to this in his remarks. I want to point out that on many other occasions the House has chosen censure over impeachment. I would like to cite a few examples.

In the case of Judge Harry Anderson, Judge Frank Cooper, Judge Grover Moscowlitz, Judge Blodgett, Judge Boorman, Judge Jenkins and Judge Ricks, the committee has recommended censure instead of proceeding with impeachment.

The fact of the matter, Mr. Speaker, is that there is a long-standing history of the House choosing censure for impeachment. Sometimes, as in the Louderback case, the Committee on the Judiciary recommends censure and the House rejects that recommendation and votes impeachment. Other times the committee has recommended censure over impeachment and the House has agreed with that recommendation.

Mr. Speaker, what is important is that the House has had a choice between censure and impeachment.

There is a tradition of the House of censuring executive officers. As we have heard, a recent Congressional Research Service study found nine instances where the House has attempted to censure Federal officials. Presidents John Adams, John Tyler, James Polk and James Buchanan were all subject of censure resolutions. In addition, Treasury Secretary Alexander Hamilton, Navy Secretary Isaac Toucey, former War Secretary Simon Cameron, Secretary Gideon Welles, and Ambassador Thomas Bayard as well, were all subject to censure resolutions.

Indeed, private citizens have also been censured by the House. The gentleman from Massachusetts (Mr. MOAKLEY) cited two examples in his opening argument. The House has also censured a Mr. John Anderson, a Mr. Samuel Houston, and moved to censure Mr. Russell J. Arias.

I believe these examples will dispel the myth that censure by the House is uncommon, unprecedented or unconstitutional.

The most salient fact is that when the House wants to censure an individual, both private citizens and executive officers, it can and it has. There is no constitutional prohibition against such an action, and the Congress has freely engaged in passing such censures.

The question before the House is, with this long line of precedent, can censure be offered as an alternative to impeachment? The answer is clearly yes. As I cited above, the House has on many occasions adopted reports from the Committee on the Judiciary that has given the House the opportunity to express its views, its lack of regard, its censure, its condemnation, as an alternative to impeaching a judge. The same model should hold here.

Mr. Speaker, I would argue that the reason this is such a long-standing practice and precedent of the House is because it just makes good common sense. When the House does not feel impeachment is warranted, but does feel it is necessary to express its views, its lack of regard, its censure, its condemnation, as an alternative to impeaching a judge, the same model should hold here.

Mr. Speaker, I urge that you overrule the point of order.

The SPEAKER pro tempore. Are there any other Members who wish to speak on the point of order?

The Chair recognizes the gentleman from California (Mr. ROGAN).

Mr. ROGAN. Mr. Speaker, I join with the gentleman from Wisconsin in rising to a point of order and also noting the dichotomy in this particular proposal of censure; that if this were to pass, we would go on record as stating that the President deserves censure, but the document itself does not grant censure.

There are two other interesting areas relating to the proposal before us. In the House Committee on the Judiciary, when this matter came before us, the maker of the proposed resolution of censure was the same maker as the proposal today, the distinguished gentleman from Virginia. The resolution of censure that was presented to the Committee on the Judiciary had two distinguishing characteristics that are absent today.

In the Committee on the Judiciary, the resolution that was put before us would have required not only a vote of the House but a vote of the Senate to bring the condemnation of Congress upon the President. That is absent here. It also had an additional element. It had an element of requiring the President to come to Congress and to affix his signature to the document in recognition of the censure. That too is absent.

Impeachment, and not censure, is properly before the House at this time.

The paradox between the two was demonstrated during our debate in the Committee on the Judiciary on the proposed resolution of censure.

I believe the appropriate author of there was any language in the proposal that would preclude any future Congress, by a simple majority vote, from erasing or expunging the censure from
President be tried and removed from the Senate that not only should the House has considered. And for the first time in the history of the United States, the House is taking it upon itself to say that the power of disqualification from office should be invoked. Until today, no Member of this House has voted to do this. Until today, this is important. Alexander Hamilton, in Federalist 65, talks about this very issue. Hamilton says, "Punishment is not to terminate the chastisement of the offender." Hamilton goes on to talk about the offender having been sentenced to a perpetual ostracism from the esteem and confidence, and honors and emoluments of this country when the person is disqualified from holding public office. While this penalty is partly remedial, one can only conclude that there is something inherently punitive in forever disqualifying an individual from holding public office, and this punishment quality is intentional.

Third, article 4 states that the President exalted contempt for the inquiry. By charging the President with contempt, the articles open up the possibility for the House to address that contempt.

Mr. Speaker, the precedents clearly show that contempt can be remedied by a censure of this House. This is equally clear that contempt of the House can be addressed by a privileged resolution of censure. The articles before us contain language that clearly raises the issue of punishment and censure.

To a proposition that contains both impeachment and censure, clearly it is germane to offer a proposition for censure. For rather than expanding the purpose of the articles of impeachment, the articles, in a real sense, narrows the focus of the resolution. We do not expand, we narrow the focus.

One final point, Mr. Speaker. You have discretion. You can put the question of censureness to this body. This is an issue that this body has never considered before. And in doing so, you could truly let the people decide.

The SPEAKER pro tempore, Mr. PEASE is recognized.

Mr. PEASE. Mr. Speaker, what is clear from the debate in the Committee on the Judiciary and on the floor of this House is that the meaning, even the intent of a resolution of censure is not clear.

Some contend that its purpose, no matter what it is captioned, is to be acquitted through impeachment of the President; others that it will be upheld because of the President's exposure to proceedings in civil and criminal courts of this Nation after he leaves office.

But all of us agree that following the rules is essential. The rules of this House, as we were reminded yesterday by both our outgoing rules chairman the gentleman from New York and the incoming rules chairman the gentleman from California, do not allow the interjection of nonprivileged matter into privileged matter by amendment.

The articles of impeachment are privileged. The sense of the House resolution is not the motion, though perhaps so across the rotunda, is not germane here and the point of order should therefore be sustained.

The SPEAKER pro tempore, Mr. LAHOOD. The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I rise in opposition to the point of order that has been made by the gentleman from New York and in support of the motion to recommit so that this body could have before it the question as to whether or not we can vote for censure.

As you look over the rules and precedents of this House, you will have the broad discretion to include in your ruling the question of fairness and the question of equity, Mr. Speaker, the whole world is watching.

The SPEAKER pro tempore, Mr. BUYER. The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, the debate is getting to be repetitive on the point of order.

The SPEAKER pro tempore. Mr. SOLOMON. Mr. Speaker, the debate is getting to be repetitive on the point of order.
of Members have had a chance to speak.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, if many of my colleagues are sitting here somewhat scratching their heads and trying to follow this debate and they think this is a bunch of lawyers speaking lawyerly language, I kind of agree with them. They are right. I am confused.

Now, I read the J udiciary Committee and I watched this debate. Let me share with my colleagues why. Here is why I am confused. When the censure resolution was offered in the J udiciary Committee, I asked questions of the author about what is its clear intent. The gentleman from Virginia (Mr. Boucher) was very clear to me. He said the intent of the censure resolution is not to have findings of guilt and it is not to punish. Then I questioned that, looking at the writings of the drafters and got into the exact words, because it did have findings of guilt, that the President had egregiously failed, that he had violated his trust, that he lessened the esteem of his office, that he brought dishonor to his office and then, that he had violated his trust, that he had violated the Constitution, that he had violated the law, legal principles to personal gain. Be responsible and accountable. The SPEAKER pro tempore. Mr. BUYER. You do not blame others for your mistakes.

Unfortunately, the President did not follow these principles. His criminal misconduct and dereliction of his executive duties do meet the constitutional threshold of high crimes and misdemeanors. The founders in their infinite wisdom made three coordinate branches of government in a system of checks and balances. When the President and the Vice President, Federal judges and other executive officials are accused of high crimes and misdemeanors, the Constitution gives this body the unique authority as the accusatory body to bring the charges. That is why many of my colleagues have referred to the House as the grand jury function. That is accurate. That is why the House is the accusatory body. There is not a grand jury in this country that can investigate, prosecute and have findings, guilt and sentence. That is why in the Constitution they said we accuse and the Senate tries. It is not expressly authorized for anyone to use censure as an alternative to impeachment. Impeachment is our only course of action.

Mr. Hefner. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair has the discretion to recognize Members on a point of order. The Chair is going to exercise that discretion to recognize two more Members on the minority side and two more Members on the majority side before ruling. The Chair recognizes the gentleman from North Carolina (Mr. Hefner) on the point of order.

Mr. Hefner. Mr. Speaker, I do not understand why anybody would be confused by this debate or exercise in lawyers here and all the technical things we have talked about.

Let me just mention something here. I have been here longer than most of the people that have talked on this point of order. The most powerful committee in this House is the Rules Committee. It is the Speaker's committee. The leadership in this House and the Speaker in this House dictates the rules that will be considered on this House floor. Make no mistake about it. Now, it has been said that we cannot have a vote on censure because it is not constitutional. But no one, no one, has shown us why it is unconstitutional. It is an opinion. Nobody has given us concrete evidence that it is not constitutional to use it to consider censure.

Now, if that be the case and you want to make the argument that we want to be fair in these proceedings, well, then you would give us a vote on censure. The Rules Committee could have met, the gentleman from Indiana (Mr. Solomon) I think will agree, and you could have crafted any rule that you wanted. You could have waived any points of order to have a rule that comes to this floor, and you would have the votes to enforce the rule that you brought.

But to say that it is unconstitutional and hide behind the fact that it is unconstitutional to me says we are going to have a vote for impeachment to get rid of this President and that it is going to be it. Period. We are not going to allow anybody to vote his conscience if it conflicts with our conscience.

Now, I do not know about you, but this will be the last time that I will probably ever speak on the floor of this House of Representatives, and it has been the greatest privilege of my life. It has been the greatest privilege of my life to serve on this House of Representatives, and for every Member of Congress, whether you disagree with me or not, if there is anything that I have said over these years that would have offended anybody, I would ask your forgiveness.

The President of the United States should before the whole world and said, I have sinned and I ask forgiveness, and that is what it is all about.

I do not know how you are going to rule on this but just as soon as I can get finished, I want to go home and go to the Christmas programs and watch the children stand out front and spell out the name of Christmas and Jesus Christ. I want to go home and celebrate the birth of the savior Jesus Christ.
Mr. BARR of Georgia. Mr. Speaker, I ask to place before the House and the country the question of whether the House is prepared to remove the President from office.

Mr. Speaker, in a matter so grave as this, the Chair has never ruled before on this precise matter. We have had in our Republic 200 years of silence on the question of whether the substitution of a resolution of censure for the President's conduct to articles of impeachment shall be considered as germane.

Given the unprecedented nature of the question, given the extraordinary gravity of the matter that is now before the House, given the inherent unfairness of not making a censure alternative available to the Members and the inherent disadvantages of allowing the consideration of the House by the American public's clearly preferred outcome for this inquiry, which is the passage of a resolution of censure, I urge the Chair to resolve all ambiguities in the rule and address itself about the two disputed applications. In favor of finding that the resolution of censure is germane and permitting its consideration by the House.

By removing further debate, there is no one else standing. I believe there is only one governing principle here today because of a lack of legislative precedents and action, and that is the Constitution. The Constitution, as has been stated, does not permit censure, but the Constitution does not prohibit censure.

Insofar, under my parliamentary inquiry, as there is no legislative precedence that has been set, and the Founders did not place this with the elected judges of the Supreme Court, they left it to the elected Congress; therefore, they choose not to send it to judicial process but to the political process behind them. I believe we have the right to work its political will.

Therefore, this motion should be defeated on the grounds that there is no precedence, it is lacking, and it cries out for further interpretation of the Founders' actions. Their actions were clear. They did not want to place it with the Supreme Court judges that were not responsible to voters; they placed it to the Members of Congress.

Mr. Speaker, I ask that this motion be defeated.

Mr. BOUCHER. Mr. Speaker, I wish to be heard on the point of order.

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

Mr. BOUCHER. Mr. Speaker, for purposes of this particular debate are particularly relevant, because it was President Jackson who was the subject of a censure motion, and his words printed at great length in the registry of the proceedings of this Chamber in 1834 very clearly discuss, illustrate and stand for the proposition that the very carefully balanced system of checks and balances and separation of powers in our governmental system was intended, would be violated then as it is today by any motion to censure the President as a substitute for impeachment.

The words of Andrew Jackson should be in our minds today, should be in our minds today, should be in our minds today, Mr. Speaker, for purposes of this particular debate are particularly relevant, because it was President Jackson who was the subject of a censure motion, and his words printed at great length in the registry of the proceedings of this Chamber in 1834 very clearly discuss, illustrate and stand for the proposition that the very carefully balanced system of checks and balances and separation of powers in our governmental system was intended, would be violated then as it is today by any motion to censure the President as a substitute for impeachment.

The words of Andrew Jackson should be in our minds today, because they say that a motion for censure as a substitute for impeachment is offensive to the fundamental work of this Congress, the fundamental powers of this Congress and the powers of the presidency.

This is the precedent, Mr. Speaker, that we should follow today and rule this motion for recomittal out of order as repugnant and offensive to the constitutional separation of powers on which our system of government is based.

Parliamentary Inquiry

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BARK).

Mr. TRAFICANT. Mr. Speaker, precendents are important and for precedent in this dispute, in discussing the Germaneness of the motion to recommit, I believe one of the most important precedents one can turn to is that of the founder of the Democrat Party, President Andrew Jackson. His words, in fact, are the relevant precedents one can turn to is the resolution of censure as it was passed in the matter of Judge Peck in 1830.

In response to the argument that censure is privileged material and that it may not be used to amend privileged material, the gentleman has pointed to instances in which the House has treated censure as privileged. And the gentleman persuasively argues that by their own language the articles of impeachment have a fundamental purpose that is both remedial and punitive. The punitive language of the censure resolution is, therefore, not inconsistent with the fundamental purpose of the articles of impeachment.

Mr. Speaker, this is a question of first impression. The Chair has never ruled before on this precise matter. We have had in our Republic 200 years of silence on the question of whether the substitution of a resolution of censure for the President's conduct to articles of impeachment shall be considered as germane.

Given the unprecedented nature of the question, given the extraordinary gravity of the matter that is now before the House, given the inherent unfairness of not making a censure alternative available to the Members and the inherent disadvantages of allowing the consideration of the House by the American public's clearly preferred outcome for this inquiry, which is the passage of a resolution of censure, I urge the Chair to resolve all ambiguities in the rule and address itself about the two disputed applications. In favor of finding that the resolution of censure is germane and permitting its consideration by the House.
The SPEAKER pro tempore. The Chair is prepared to rule.

Knowing that the House may wish to express its will on this question, the Chair nevertheless will follow the course set by presiding officers for at least the past 150 years by rendering a decision from the Chair.

The gentleman from New York has made the point of order that the amendment in the motion to recommit offered by the gentleman from Virginia is not germane to House Resolution 611.

The rule of germaneness derives directly from the authority of the House under section 5 in article I of the Constitution to determine its own rules. It has governed the proceedings of the House for all of its 210-year history. Its applicability to a motion to recommit is well established. As reflected in the Deschler-Brown Precedents in volume 10, chapter 28, both at section 1 and at section 17.2, then-Majority Leader Carl Albert made these general observations about the rule in 1965, and I quote:

It is a rule which has been insisted upon by Democrats and Republicans alike ever since the Democratic and Republican parties have been in existence.

It is a rule without which this House could never complete its legislative program if there happened to be a substantial minority in opposition.

One of the great things about the House of Representatives and one of the things that distinguish it from other legislative bodies is that we do operate on the rule of germaneness.

No legislative body of this size could ever operate unless it did comply with the rule of germaneness.

At the outset the Chair will state two guiding principles.

First, an otherwise privileged resolution is rendered nonprivileged by the inclusion of nonprivileged matter. This principle is exemplified in the ruling of Speaker Barden on January 11, 1916, which is recorded in Cannon's Precedents at volume 6, section 468. Accordingly, to a resolution pending as privileged, the amendment to proach nonprivileged matter is not germane.

Second, to be germane, an amendment proposing to proach nonprivileged matter is not germane.

Second, to be germane, an amendment must share a common fundamental purpose with the pending proposition. This principle is annotated in section 798b of the House Rules and Manual. Accordingly, to a pending resolution proposing instead to express disapproval of an official of the United States— as it does not constitute a question of the privileges of the House, the rule of germaneness requires that any amendment confine itself to impeachment, whether addressing it in a positive or a negative way. Although it may be possible by germane amendment to convert a reported resolution of impeachment to resolve that impeachment is not warranted, an alternative sanction having no equivalent constitutional footing may not be broached as a question of privilege and, correspondingly, is not germane.

The Chair acknowledges that the language of House Resolution 611 articulates its proposition for impeachment in language that, if sustained, would convey opprobrium. The Chair must remain cognizant, however, that the resolution does so entirely in the framework of the articles of impeachment. Rather than inquiring whether or not the resolution may affect the constitutional prayer for judgment by the Senate.

The Chair is not passing on the ultimate constitutional validity of a separate resolution of censure. Indeed, the Chair does not judge the constitutionality of measures before the House. Rather, the Chair holds today only that the instant proposal to censure or otherwise admonish the President of the United States— as it does not constitute a question of the privileges of the House—is not germane to the pending resolution of impeachment—an intrinsically separate question of the privileges of the House.

The gentleman from Missouri (Mr. Gephardt), the minority leader, is recognized.
A motion to reconsider was laid on the table.

So the motion to table was agreed to. The result of the vote was announced as above recorded.
Isaac Tousey, Former War Secretary Simon Cameron, Navy Secretary Gideon Welles and Ambassador Thomas Bayard, as well as Mr. Jordan, have all been censured by the House.

Indeed private citizens have also been censured by the House. Mr. Moakley cited several examples in his opening argument. The House has, for example, censured Mr. John Thorne (2 Hinds 1606), a Mr. Samuel Houston (2 Hinds 1619) and Mr. Russell Jarvis (2 Hinds 1615).

I believe these examples will dispel the myth that censure by the House is uncommon, unprecedented or unconstitutional.

The most salient fact is that when the House wants to censure an individual—both private citizens and executive officers—it can and has. There is no constitutional prohibition against such an action and the Congress has freely engaged in passing such censures.

The question before the Speaker is, with this long line of precedent, can censure be offered as an alternative to impeachment? The answer is clearly yes. As I cited above, the House has on many occasions adopted reports of the House Judiciary Committee that have given the House the opportunity to express its views, its lack of regard, its censure, its condemnation as an alternative to impeaching a judge. It has. One only need look at the precedent.

Mr. Speaker, I urge that you overrule the point of order.

Ms. JACKSON-LEE of Texas. Mr. Speaker, throughout this long process as I have listened to this divisive debate, I have had to wonder about the legacy of the 18th Congressional district. The first person to hold this seat was Mr. John Anderson (2 Hinds 1606), a Mr. Samuel Houston (2 Hinds 1615) and Mr. Russell Jarvis (2 Hinds 1615).

I have been careful not to mischaracterize Mr. Jordan's thoughts or words during these serious discussions. However, the question is whether this is such a long-standing practice and precedent of the House that censure can be offered as an alternative to impeachment. The Speaker pro tempore announced that the ayes appeared to have it.
December 19, 1998

CONGRESSIONAL RECORD — HOUSE

YEAS—221

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the adoption of Article II.

The motion was taken; and the yeas and nays were ordered.

The yeas were taken by electronic device, and there were—yeas 221, nays 22, not voting 1, as follows:

[Roll No. 546]

YEAS—221

[Name]

NOT VOTING—1

So Article II was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the adoption of Article III.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 22, not voting 2, as follows:

[Roll No. 545]
Mr. HEFLEY changed his vote from "yea" to "nay."

So Article IV was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CERTAIN APPOINTMENTS AND PROCEDURES RELATING TO IMPEACHMENT PROCEEDINGS

Mr. HYDE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Resolved, That Mr. Hyde, Mr. Sensenbrenner, Mr. McCollum, Mr. Geckas, Mr. Canady, Mr. Buyer, Mr. Chabot, Mr. Barr, Mr. Hutchinson, Mr. Cannon, Mr. Rogers, and Mr. Graham are appointed managers to conduct the impeachment trial against William J. Jefferson Clinton, President of the United States, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers so appointed may, in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include the following:

1. Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under applicable expense resolutions or from the applicable accounts of the House of Representatives.

2. Pursuing for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction with or subsequent to, the exhibition of the articles of impeachment that the managers consider necessary.

The Clerk will report the resolution at this time under rule IX.

The Clerk read as follows: