The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:


I hereby designate the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

NEWT GINGRICH, Speaker of the House of Representatives.

PRAYER
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using a benediction from the Book of Numbers:

The Lord bless us and keep us. The Lord make his face shine upon us and give us peace. Amen.

THE JOURNAL
The SPEAKER pro tempore. The question is on the Chair's approval of the journal.

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

Speaker pro tempore announced that the ayes appeared to have it.

The vote was taken by electronic device, and there were—yeas 277, nays 125, not voting 32, as follows:

[Roll No. 541]

YEAS—277

Aderholt  Bono  Bost  Brook  Bryson  Geer  Goodlatte  Goss  Gudgeon  Guttentag  Hall (TX)  Hamilton  Ewing

Farr  Fawell  Foxx  Forbes  Fowler  Franks (W)  Frerichs  Gallegher  Ganske  Gilkes  Gilman  Goodloe  Goodlatte  Goodling  Gordon  Green

Jessup  Jones  Jordan (FL)  Jordan (GA)  Jones (OK)  Johnson (WI)  Johnson (CT)  Johnson (MA)  Johnson (NY)  Johnson (SC)  Jones (KY)  Jones (AK)  Jones (WV)  Jones (NM)

Kaptur  Kasich  Kelly  Kennedy (CA)  Kennedy (MA)  Kildee  Kim  King (WI)  King (NY)  Kinzer  Kline  Kleczka  Kolbe  LaHood  Lampton  Latham  LaTourette  Leach  Lewis (CA)  Lewis (KY)  Linder  Lipinski  Livingston  Lobiondo  Loggins

Lowey  Lucas  Maloney (CT)  Mankato  Manzullo  Hastert  Hastings (WA)  Hayworth  Helms  Heller  Hill  Hillaire  Hillard  Hobson  Hoeckstra  Horn  Hostettler  Houghton  Hoyer  Hulshof  Hultgren  Hunter  Hutchinson  Hyde  Ingalls  Istook  Jackson (IL)  Jenkins  Johnson (CT)  Johnson (WI)  Jones  Jones  Jones

Kaptur  Kasich  Kelly  Kennedy (MA)  Kennedy (CA)  Kildee  Kim  King (WI)  King (NY)  Kinzer  Kline  Kleczka  Kolbe  LaHood  Lampton  Latham  LaTourette  Leach  Lewis (CA)  Lewis (KY)  Linder  Lipinski  Livingston  Lobiondo  Loggins

Lowey  Lucas  Maloney (CT)  Mankato  Manzullo  Hastert  Hastings (WA)  Hayworth  Helms  Heller  Hill  Hillaire  Hillard  Hobson  Hoeckstra  Horn  Hostettler  Houghton  Hoyer  Hulshof  Hultgren  Hunter  Hutchinson  Hyde  Ingalls  Istook  Jackson (IL)  Jenkins  Johnson (CT)  Johnson (WI)  Jones  Jones


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

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

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PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LAHOOD), Will the gentleman from New York (Mr. SOLONOM) come forward and lead the House in the Pledge of Allegiance.

Mr. SOLONOM led the Pledge of Allegiance as follows:

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.

PRIVILEGES OF THE HOUSE—IMPEACHING WILLIAM JEFFERSON CLINTON

The SPEAKER pro tempore. The unfinished business is the further consideration of the resolution (H. Res. 611), impeaching William J. Clinton, President of the United States, for high crimes and misdemeanors.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, December 18, 1998, the resolution is debatable for 1 additional hour equally divided between the gentleman from Illinois (Mr. HYDE) and the gentleman from New York (Mr. SLOOMON) and the gentleman from Illinois (Mr. HINSON) to move, in the name of the House, to close the debate.

The Chair recognizes the gentleman from New York (Mr. SLOOMON) or his spokesperson.

Mr. HYDE. Mr. Speaker, today's solemnity, I want my colleagues in speaking out against this flawed, undemocratic process. Today's vote is one of the most important votes in American history. The Republican process is cynical and it is dangerous. It will be recorded that they stood on the wrong side of history. We must restore the public trust and establish a Congress which communicates respect for the people of the United States, the Constitution and democracy.

Mr. Speaker, I rise to strongly oppose these articles of impeachment. I join my Democratic colleagues in speaking out against this flawed, undemocratic process.

Mr. Speaker, I rise to strongly oppose these articles of impeachment. They are the real crimes against the American people and our democracy.

This Republican Congress is marching this country into an impeachment of President Clinton in an attempt to undo and overthrow a duly elected President. This ignores the will of the people.

We condemn single party rule abroad. But this Republican Congress refuses to allow the minority party to vote on censure. But squelching the minority's requests for debate, for fairness, and for reasonable alternatives, this Republican Congress demonstrates its contempt for the Presidency, for the democratic process, and for the will of the people of this nation.

It abridges the Constitution by restricting and closing off legislative options, and creates the appearance of a one-party authoritarian rule. This Republican Congress refuses to allow the people.

This Republican process underscores that their only goal is to turn back the agenda that puts people first. To cancel a program that values basic human rights. That values a woman's right to choose, a good public education instead of vouchers; that insists on a living wage for working men and women; that protects our environment; that supports the Patient's Bill of Rights and preserves Social Security.

The Republican process is cynical and it is dangerous. It will be recorded that they stood on the wrong side of history. We must restore the public trust and establish a Congress which communicates respect for the people of the United States, the Constitution and democracy.

Today's vote is one of the most important votes in American history. The Republican's process is cynical and dangerous. It will be recorded that the Republicans have stood on the wrong side of history. As Americans who value an open and just society, we must reject this madness and say yes to openness. Say yes to the American people and our democracy.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, on December 18th and 19th, I was unavoidably detained due to a family illness. Had I been present, I would have voted in the following manner:

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, this long and difficult process for all of us in the House is almost to a conclusion. Twenty-five years ago a Democratic-controlled Judiciary Committee, with a minority of Republicans reported articles of impeachment against Richard Nixon. Why? Nixon cheated. He cheated the electoral system by concealing efforts of a political break-in. And his people, on his side deceived, to be cheated. They thought his enemies deserved to be mistreated. Ladies and gentlemen, they were wrong.

Today Republicans, with a small handful of Democrats, will vote to impeach President Clinton. Why? Because we believe he committed crimes resulting in cheating our legal system. We believe he lied under oath numerous times, that he tampered with evidence, that he conspired to present false testimony. We believe he assaulted our legal system in every way. Let it be said that any President who cheats our institutions shall be impeached.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, like all my colleagues I spent a great deal of time carefully reviewing the Judiciary Committee testimony and evidence. Let me make it absolutely clear I do not in any way condone the President's behavior. But the framers made clear that the constitutional act of impeachment is not meant to punish a President for deplorable behavior but to protect our nation from actions which jeopardize our democratic system. What the President did was wrong, both personally and morally. But his acts did not threaten our democracy and thus do not rise to the level of impeachable offenses as defined by our founding fathers in the Constitution.

As Mr. Burke Ackerman, a constitutional law and impeachment expert at Yale University, testified before the Judiciary Committee, "Once we lower the impeachment standard to include conduct that does not amount to a clear and present danger to our constitutional order, we will do grave damage to the independence of the Presidency. [T]here can be little doubt that the present case falls short of the standard set by the Framers when they insisted on 'high crimes and misdemeanors against the state.'"

I do believe that the President should be held accountable for his actions, and support an alternative to impeachment that will both condemn his actions and fine him. The Judiciary Committee considered a censure resolution which we in the full House are being denied the opportunity to debate and vote on today.

Many of my constituents have called and been resolute in their belief that the President should be held accountable for his actions, and I could not agree more. President Clinton is not above the law and is still subject to indictment, trial, and sentencing in the same manner as all other citizens who do wrong. He will be fully subject to criminal prosecution for his wrongful acts when he leaves office.

Our founding fathers designed impeachment specifically to protect the nation from grave harm from a Chief Executive who clearly endangers our constitutional democracy. I do not believe the President's actions meet this test. The penalty for his misconduct should not be exacted through impeachment, but through indictment in our criminal court system and a stern censure by the Congress.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BARR). Mr. BARR of Georgia. Mr. Speaker, it is very simple. Accountability comes not from opinions; really in a way it does not even come from votes. It comes from these three great pillars of our society that are the basis for the rule of law. It is our laws, the Criminal Code of the United States of America, which based on exhaustive evidence this President has violated pursuant to a pattern of activity. It is based on the evidence, the evidence accumulated, the evidence presented, and voted on, and available to every Member of the House by the Independent Counsel, and as summarized in the report of our very able staff on the Committee on the Judiciary; and finally, the smallest users of the rule of law: the law president himself, that we have before us in all of our deliberations, the Constitution of the United States.

Today our votes and our consciences must be based on these three great pillars of the law itself, the evidence and the Constitution.

God bless the United States of America.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLER-MCDONALD).

Ms. MILLER-MCDONALD. Mr. Speaker, as our Commander in Chief battles the problems in Iraq he is also battles for his presidency in the people's House. This could have waited. Wrong day, wrong way.

Mr. Speaker, I rise to oppose the articles of impeachment before this House this morning. I urge Members to step outside the passion of their convictions and think about our obligations to the Constitution, to our constituents and the American people before we cast this vote.

Mr. Speaker, I had hoped this moment could have never come and the members of the Committee on the Judiciary, after carefully examining the evidence, history and their conscience, could recognize that these charges do not rise to the level of an impeachable offense. However, with this vote we have the opportunity by censure to live up to the Framers' vision and honorably close a sad chapter in our Republic's history, or we can open a new one that is perilous.

I will say to my colleagues that the American people and history will judge us. Yes, we have the votes to impeach, but can our conscience withstand the scrutiny that history will bring to bear on our vote?

What a sad day in the history of America.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Louisiana (Mr. LIVINGSTON).

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

Mr. LIVINGSTON. Mr. Speaker, I rise with the fondest hopes that the bitterness engendered in this debate will at its conclusion be put aside, and the Members of this House and their families for the holidays mindful of what has been done here by us as agents of principle. We have fulfilled our duty to our magnificent Constitution.

Yes, our young men and women in the uniformed Armed Services have in these last few days set about the task of ridding the earth of the threat of weapons of mass destruction in the hands of an enemy of civilization, Saddam Hussein, and they have performed their tasks with valor and fortitude, that we may freely engage in this most unpleasant aspect of self-government as we was envisioned by our forefathers.

I very much regret the enmity and hostility that has been bred in the Halls of Congress for the last months and years. I want so very much to pacify and cool our raging tempers and return to an era when differences were confined to the debate and not of personal attack or assassination of character.

I am proud to serve in this institution, and I respect every Member of this body. Each of us stands here because a majority of roughly 600,000 people had the confidence to vest us with
this authority to act as their agents in a representative democracy.

When given the chance, we often find that aside from political and partisan differences we have much in common with one another. But we never discover that the common ground may be within the term "high crimes and misdeeds" as delineated in Article 2, Section 4 of our Constitution.

Federal judges have been impeached and convicted under the perjury statutes, and so perjury, a felony punishable by up to 5 years in the penitentiary, is a crime for which the President may be held accountable, no matter the circumstances.

Perjury is defined, as I have said, and fully 116 people are serving time in Federal prison as we speak for perjury today, and, yes, there have been several instances of people going to prison following convictions for perjury involving lies under oath under sexual circumstances.

The average citizen knows that he or she must not lie under oath. Ms. Christine Simms of Rockville, Maryland, wrote to the Committee on the Judiciary just 2 weeks ago and said, and I quote:

"I was called upon to give answers under oath in interrogatories during a civil proceeding. Truthful answers to those questions would have prejudiced me and what I knew exposed me to criticism and had a potential to ruin my life, particularly as it related to my children whom I love very much."

In short, I was not able to tell the truth. However, I did just that. I could not lie when I was sworn to tell the truth, no matter what the risks nor the degree of temptation to take the easy way out. Parts of my life have been difficult since that time because elements of that testimony have been used to scar me. But I as a common citizen was compelled by my conscience to tell the truth.

"Yes, our Nation is founded on law, not on the whim of man. We are not ruled by kings or emperors, and there is no divine right of Presidents. A President is an ordinary citizen, vested with the power to govern and sworn to preserve, protect and defend the Constitution of the United States. Inherent in that oath is the responsibility to live within its laws with no higher or lower expectations than the average citizen just like Ms. Simms."

When the President appeared at the deposition of Ms. J ones and secondly before the Federal grand jury, he was sworn to a second oath, to tell the truth, the whole truth and nothing but the truth, so help you God. This, according to witnesses to the Committee on the Judiciary and before the Special Counsel, he did not do. For this I will vote to impeach the President of the United States and ask that his case be considered by the United States Senate, and that the implication of this great Congress, uphold their responsibility to render justice on these most serious charges.

But to the President I would say:

Sir, you have done great damage to this Nation over this past year, and while your defenders are contending that further impeachment proceedings would only protract and exacerbate the damage to this country, I say that you have the power to terminate that damage and heal the wounds that you have created. You own your post. And I can only challenge you in such fashion if I am willing to heed my own words.

To my colleagues, my friends and most especially my wife and family: I have hurt you all deeply, and I beg your forgiveness.

I was prepared to lead our narrow majority as Speaker, and I believe I have the power to do the job. But I cannot do that job or be the kind of leader that I would like to be under current circumstances, so I must set the example that I hope President Clinton will follow.

As Speaker, I will not stand for Speaker of the House on January 6, but rather I shall remain as a back bencher in this Congress that I so dearly love for approximately 6 months into the 106th Congress, whereupon I shall vacate my seat and ask my Governor to fill a special election to take my place.

I thank my constituents for the opportunity to serve them; I hope they will not think badly of me for leaving. I thank Allen Martin, my chief of staff, and all of my staff for their tireless work on my behalf, and I thank my wife most especially for standing by me. I love her very much.

God bless America.

- 0945

Mr. CONYERS. Mr. Speaker, continuing the business under the incredible turn of events that has occurred, I yield 1 minute to the gentleman from New York (Mr. JOSÉ SERRANO).

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

Mr. SERRANO. Mr. Speaker, it is a tough time to follow, but I must stay the course and be true to myself. The Republican right wing in this country does not like it when we say coup d'etat, so I will make it easier for them, golpe de estado. That is Spanish for overthrowing the government.

Today one thing is clear to all of us: the need to get rid of Bill Clinton. From day one they stood on him and tried to make him out to be the number one villain in this country. They have been blinded by hate then and they are blinded by hate today. This place is full of hate because of what they tried to do to our president.

My constituents do not hate Bill Clinton, they love him, and they are praying for him right at this very moment. They may have been wrong about this but I will make it easier for them, madre de Dios.

Let me tell the Members something, I grew up in the public housing projects of the South Bronx. I can tell a bunch of bullies when I see them. The bullies get theirs, and these Members are getting theirs, too. The people are going to rise up from California to New York. They are going to rise up from Texas to Florida, everywhere in this country and they are going to tell us, do this to him. By the way, do not ask him to quit. He will never quit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAWOOO). The Chair would ask all
The Chair appreciates the suggestion of the gentleman from Michigan (Mr. CONYERS), but the Chair would prefer to proceed.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS). Mr. Speaker, I think that we need to pause here for a moment. There is a songwriter who wrote a song that says, give me a higher love.

Mr. Speaker, the Framers of the Constitution did not entrust this House with the power to impeach the President of the United States in order to establish this body as a court of personal morality. Impeachment was supposed to be a constitutional shield, not a moral or political sword.

For all of these reasons, we should step back from this edge of this dangerous cliff. Serious crimes have been committed that this Congress needs to weigh. Every afternoon people find themselves lacking access to affordable health care, trying to figure out how to afford the prescription drugs they need. People are suffering, and even dying, even as we debate today. That is a serious crime.

Every evening people sit at their dinner tables wondering how they will afford a college education for their children, whether they need or even if they will be able to get a second job. That is a serious offense.

We should be leaving personal and moral sanctions to the courts, the branch of government where they properly belong. We should be doing the job we were entrusted by the American people to do. That is our constitutional commitment. I pray to God that wisdom will prevail.

Mr. HYDE. Mr. Speaker, I yield one minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Delaware (Mr. ROUKEMA).

Mr. ROUKEMA. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. BOB LIVINGSTON). Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. GOROE) to be president if Bill Clinton were incapacitated. That day has arrived.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Louisiana (Mr. BOB LIVINGSTON).
to perjury and further lawsuit just like any other citizen. The President has expended millions of dollars in legal fees with no end in sight. Of course, there has been a permanent loss in his reputation. Congress can and should censure his conduct and express the deep disappointment of the American people in his actions.

The reality is that it is not our role in Congress to deal with America's anger and sense of betrayal by adopting a very dangerous standard for impeachment.

My research and consultation with constitutional experts convinces me that impeachment for "high crimes and misdemeanors" would not include an act that did relate to the official duties of the Office of the President. For example, one of the articles of impeachment against President Nixon that was drafted but not presented to the House Judiciary Committee in the Watergate Inquiry was Richard Nixon's alleged tax evasion. In that case Nixon would have been subjected to prosecution like any other citizen, after he left office.

This is a difficult concept at best. It grates on us. We in Congress would like to right the wrongs of the world, especially if they are somebody else's wrongs.

Yet there are some things that the Constitution does not permit us to do. It is with good reason that this threshold of what constitutes an impeachable offense should remain higher rather than lower. A lower standard of what constitutes an impeachable offense would severely weaken future Presidents of either party, allowing them to be manipulated for political purposes. I must agree with the constitutional experts that under the lower standard credible inquiries into impeachment could have been launched against President Roosevelt about the lend-lease operations with Britain, Kennedy, Johnson, and Nixon about Vietnam, and Reagan and Bush about the Iran Contra scandal.

I fear the use of impeachment not just for the paralytic effect it would have on the Executive Branch. It would have a corrosive effect on Congress, with the possibility of being constantly in a state of attack, because there will always be determined minorities who will be able to pursue these actions due to this dramatically reduced standard.

Congress should guard the process of impeachment for the future of the Presidency, the integrity of Congress and the possibility of getting on with the business of running the Government. I cast my vote against impeachment with the hope to be able to express the will of my constituents that the President's conduct be severely censured.

Mr. HYDE, Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, there are very few values and legal obligations that are fundamental, the foundation on which all else rests. But personal responsibility, a responsibility on the part of us bears to tell the truth under oath, is such a fundamental responsibility.

If we treat perjury lightly, the only path to truth can be blocked by the instinct to lie, to cover up shame, or the determination to do harm to others. In either case, regardless of the motivation to lie, the result is the same. The path to truth is blocked.

Mr. Speaker, there can be no justice without the truth. That is just profoundly so, and that is why perjury matters. Had the President been able to face up to the truth a year ago, we would not be here. If he had faced up to the truth a month ago, he could have taken responsibility for the impact of that on our Nation and individuals. Our Nation can survive a transition better than it can survive the erosion of our fundamental values.

Mr. CONYERS. Mr. Speaker, it is with profound sentiment that I yield 3 minutes to the gentleman from Connecticut (Mr. CHRISS SHAYS).

Mr. SHAYS. Mr. Speaker, after Judge Starr's report to Congress in September and his presentation to the Judiciary Committee in November, I concluded that impeachable offenses were not proven and that the proven offenses were not impeachable.

But the President's continued failure to come to grips with his actions; the sincerity and arguments of members of the Judiciary Committee from both sides of the aisle; the change of heart and conversion by Members on my side of the aisle who originally opposed impeachment and who now support it; and the strong and powerful opinion of so many of my constituents who oppose my position and wanted the President impeached, caused me to rethink my position.

Like you, I listened to my constituents: those who supported impeachment and those who opposed it. I reexamined the evidence, reexamined the documents, and even looked at documents I had not seen earlier. I spoke to people who were truly experts on these issues—people who I have immense respect for.

Yesterday morning, before I visited with the President, I concluded that he was the correct one—for me. I believe that the impeachable offenses have not been proven and that the proven offenses are not impeachable. But they are close. And that's why I understand why Members who happen to be primarily Democrats concluded that the President should not be impeached and Members on my side of the aisle—Republicans believe he should be impeached.

With no exception, I truly believe that every Member of Congress is voting his or her conscience. In a few minutes, the President of the United States, William J. Jefferson Clinton, will be impeached. But he will not be impeached with my vote. I cast my vote with no criticism of those who think differently and who will vote differently. We've all tried to do our best. And we will all have to live with our vote the rest of our lives.

My prayers are for this country and for the people, our President and his family, and for the House of Representatives and its Members, all of whom I dearly love. I pray the President of the United States will be able to do the right thing in the days and weeks and months to come. And I pray Republicans and Democrats in Congress will find common ground and do the work of the people of this great and prosperous land during the next two years.
"The truth, the whole truth, and nothing but the truth so help me God." Like the Pledge of Allegiance, those words are ingrained in every American from an early age. They are the foundation of our legal system which is the foundation of our society.

If America's chief law enforcement officer sought to compromise the integrity of that legal system, it is a matter of the highest consequence and requires us to invoke our most serious of constitutional prerogatives. Impeachment, and refer this matter to the other body for trial. No individual, not even the President, is above the law.

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

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

Mr. CONYERS. Mr. Speaker, as an American who cares deeply about our Constitution, I rise in opposition to this impeachment process.

This is a difficult time for our Nation. The impeachment of a president has happened only once before in history. I cast my vote against impeachment solemnly, after serious study and many hours of soul searching. It has been especially difficult to watch this issue come to the floor of this House of Representatives while our American troops are at war against Saddam Hussein.

Impeachment is the most constitutional power given to Congress. It is the first step in overturning a democratically held election and removing the President. When Thomas Jefferson, Benjamin Franklin, and the other framers of our Constitution adopted the impeachment mechanism, they spoke of it as an alternative to assassination or a military coup, to be used only for treason, bribery of other high crimes against the government. I believe that the President's actions, while immoral and irresponsible, were not treasonous, and do not meet the high test of impeachment as intended by our Founders.

Make no mistake, the President's behavior is indefensible. He did not tell the truth about his actions, and he should be held accountable for his behavior. I strongly believe that the best way to do this—in fact the only constitutional alternative—is through censure and a stiff fine. Once President Clinton has completed his term in office, he should be charged with perjury before a court of law, just as any other private citizen would be.

I am disappointed that the Republican leadership refused to allow a vote on censure. Although the President is correct that censure is not specifically mentioned in the Constitution, there is nothing that prohibits this action.

There are at least four instances of Congressional censure involving Presidents—Presidents Jackson (1834), Tyler (1842), Polk (1848), and Buchanan (1850). Seven sessions of Congress have continued to consider censure resolutions. Former President Gerald Ford, former Senator Bob Dole and other Republicans have called on Congressional leaders to permit a censure vote. Do they really understand the Constitution? It is tragically unfair that the opportunity for at least half of our Members to vote our conscience will not be allowed.

We have many important issues that we need to consider in the coming months, and I intend to keep my focus on the important matters that affect our families. I pray that we can come together in the new year and begin the healing process for our nation. This is a sad day for our country and our Constitution.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. UNDERWOOD. Mr. Speaker, we are in the midst of a serious debate, a serious matter for all Americans, even for those Americans that I represent who cannot vote for President. But he is our President as much as he is the American community, and I and my constituents stand against the impeachment of the President.

With weighty and eloquent words, we have been told that this is a matter of conscience. Should members of this body vote their conscience based upon their understanding of the Constitution, the charges, and evidence presented against the President?

But this view of conscience is a limited one. The conscience of the Republican Majority leadership, if they accept only the majorities view of the Constitution, and only if they accept the majorities view of the charges and possible options available to deal with the matter.

Members are being asked to vote yea or nay on the articles of impeachment. To vote on the charges is to vote on the view of what is Constitutionally permissible, to vote yea or nay on their view of the punishment. Despite the reality that members of this body, members with as good a conscience as any, may hear, President Clinton's record as a President is not a disquieting one. The vote today is not within the conscience of to the majority. Despite the fact that the majority of the American public, that is to say the conscience of a majority of Americans wants censure included and, in fact, passed as the ultimate remedy of this procedure, censure is not an option.

Yes, this is a vote of one's conscience, but only if your conscience is exactly that of the Republican majority. The debate today will not allow for that one option, that of censure, which meets the conscience of most Americans and probably a majority of Members of this House. The conscience option of censure is absent and its failure to be included is fundamentally unfair and a blemish on this Nation's democratic tradition.

Mr. Speaker, we are obviously in the midst of one of this nation's most serious debate; a serious matter for all Americans, even those that I represent, Americans who can not vote for President because they live in a territory of any other American community.

President Clinton is a great President. He has been a good President for schools, for the environment, for the economy, for health care and for the well-being of the ordinary citizen of this great and diverse nation. As the leader of the free world, he pushes for peace and reconciliation throughout the world while demonstrating that force can and will be used as a last resort as he is doing today. It is tragic that we bring this matter before the people's House at a time when our men and women in uniform are engaged in military action on distant shores. Some may question the timing, but it is the mark of Bill Clinton's presidency that he does what is right at the right time.

I say all of this because no matter what we may hear, President Clinton's record as a leader and an important factor in this debate. The energy to remove him is motivated by discontent and disdain for Bill Clinton just because he occupies this office. And for me, his record of achievement must be considered against any proof of harm to the Constitution, to our system of government and to our country if we are to remove him. And based on my review of the facts, I conclude that his offenses, as wrong as they are, are not a threat to our system of government and simply do not rise to the standard of impeachment outlined in the Constitution.

With weighty and eloquent words, we have been told that this is a matter of conscience: that members of this body should vote their conscience based upon their understanding of the Constitution and the charges presented against the President. But this view of conscience is a limited one. One can only vote their conscience if they have the conscience of the Republican majority leadership; if they accept only the majority's view of the Constitution and only if they accept the majority's view of the charges and possible options available to deal with the matter.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, there is no joy sometimes in upholding the law. It is so unpleasant sometimes that we hire other people to do it for us. Ask the police or judges. It is tiring and thankless. But we know it must be done, because if we do not point at lawlessness, our children cannot see it. If we do not label lawlessness, our children cannot recognize it. And if we do not demand honesty as a policy, we do not punish lawlessness, our children will not believe it.

So if someone were to ask me, "J.C., why did you vote for the articles of impeachment?" I would say I did it for our children. How can we tell our children that we hire other people to do it for us? Ask the police or judges. It is tiring and thankless. But we know it must be done, because if we do not point at lawlessness, our children cannot see it. If we do not label lawlessness, our children cannot recognize it. And if we do not demand honesty as a policy, our children will not believe it. Whether it is a promise or a truth or a vow or an oath, a person's word is the...
They claim that there is a clear and convincing evidence of grand jury perjury, but ignored is the panel of experienced prosecutors who testified that no reasonable prosecutor in the land would have brought a perjury case arising out of the Lewinsky matter.

As to Article II, the impeachment is not justified. They say the President's testimony deprived the plaintiff, Paula Jones, of her day in court. Not so. The record shows that a federal judge ruled three times that Monica Lewinsky's allegations were not relevant to the core issues of the Jones case and refused to permit the Jones lawyers to pursue the allegations.

They say the President perjured himself when he testified to the truthfulness of the Lewinsky affidavit. The record shows that Ms. Lewinsky stated that her denial of sex was not untruthful because she defined sex as intercourse.

As to the third article of impeachment, it is not justified either. They say the President obstructed justice by, one, asking Ms. Lewinsky to lie in the Jones case; two, engineering the return of gifts he had given her; three, trying to buy her silence with a job; and, four, directing Ms. Currie's testimony.

The record is that Ms. Lewinsky stated over and over again that the President never asked her to lie. She said this in the grand jury and in her written statement. The record shows that Ms. Lewinsky and not the President received the return of the gifts. The record shows that the President gave her more gifts after she had been subpoenaed. The record is that the job search began months before Ms. Lewinsky showed up on the witness list in the Jones case. The record shows that the President made no extra effort to get her a job. The record shows that Ms. Currie was never a witness on any list. Ms. Currie testified no fewer than 9 times and stated repeatedly that she did not feel pressured by the President's remarks.

Finally, to article 4, the President, they say, abused his power by failing to answer the 81 questions. But the record shows the 81 questions completely, but that the alleged abuse of power lies in the fact that the majority disagrees with the answers. The majority has simply tried to dress up its perjury allegations in the clothes of the Watergate's abuse of power. They say nothing about that, in an effort to make its case against the President seem more serious.

They say the President has to be impeached to uphold the rule of law, but we say the President cannot be impeached without denigrating the rule of law and devaluing the standard of impeachable offenses.

Mr. Speaker, during the course of our proceedings, President Clinton's attorneys rebutted each and every charge of impeachment leveled against him. If there is any doubt as to that the Members should review the following materials (which are hereby incorporated by reference).


2. Submission by Counsel for President Clinton to the Committee on the Judiciary of the United States House of Representatives, Impeachment Inquiry Pursuant to H. Res. 581, Committee on the Judiciary, House of Representatives, 105th Congress, 2d Session, Committee Print Serial No. 16 (404 printed pages).


4. The testimony of the witnesses called by the White House including in particular the fourteen so-called experts called by the White House on December 9th dealing with prosecutorial standards (Thomas P. Sullivan, Richard Davis, Edward Dennis, Jr., and William F. Weld). (Printing forthcoming).

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

Mr. DELAY. Mr. Speaker, I do not know if I can make this speech, but I am going to try.

Believe it or not, I have been very depressed about this whole proceeding. When I came to work yesterday, it really hit me what we were about to do. But after this morning, it made me realize even more what this is all about. I feel great about it, because no matter how low we think we are or depressed we are, this country shows us time and time again how great it is.

There is no greater American in my mind, at least today, than the gentleman from Louisiana (Mr. Bob Livingston) because he understood what this debate was all about. It was about honor and decency and integrity and the truth, everything that we honor in this country. It was also a debate about relativism versus absolute truth.

The President's defenders have said that the President is morally reprehensible, that he is reckless, that he has violated the trust of the American people. I listened to them for the office they have entrusted him, but that it does not rise to the level of impeachment.
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, the 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 good job as Speaker. 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 I will elect another Speaker. This country will be better for it. I cannot say the other party, our men and women are going to impeach a President of the United States has been partisan right from the start. An Independent Counsel spends 4½ years investigating a President and sends a one-sided report to the Committee on the Judiciary, and the Republican members of that committee put their stamp of approval on it in very, very partisan hearings and send it to this House.

One party should not have the power to impeach a President of the other party. It's wrong. How can they do it? Both parties have to participate if we are going to impeach a President of the United States. And if one party is going to impeach a President of the other party, our men and women are engaged in active combat at this hour.

This couldn't wait until Monday? God help our country. God help America.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the distinguished major party leader.

Mr. ARMNEY. Mr. Speaker, no Nation has been so blessed as America in the 1990s. We enjoy a prosperity that our parents and our grandparents could not even imagine. Each day we invent wonderful new things to make life easier and more interesting. Our scientists are uncovering the wonder of God's creation, from the secrets of our genes to the wonders of the universe. Religions belief and attention to devotion have never been stronger. Pregnancy rates are finally dropping. Crime is dropping. Welfare dependency has reduced by more than one half. We have triumphed over the vile tyrants. Democratic nations on six continents owe their elected governments to our example and to our support. We have never been safer. Our brave armed forces, though they certainly need more resources, are still unquestionably second to none, a fact we can all agree is being demonstrated today in the skies of the Persian Gulf.

How did this great Nation of the 1990s come to be? It all happened, Mr. Speaker, because freedom works. As Americans we know that when we allow or deny the freedom to help each other for their common benefit great things happen. And in this land they certainly have.

Mr. Speaker, freedom depends upon something, the rule of law, and that is why this solemn occasion is so important. For today we are here to defend the rule of law.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN), a distinguished member of the Committee on the Judiciary.
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 everyone else. This would belie 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 future.

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 personal, private behavior. But, Mr. Speaker, perjury before a grand jury is not personal and it is not private. Obstruction of justice is not personal and it is not private. The power of the greatest office in the world is not personal and it is not private.

We cannot allow the President of the United States to abuse his trust and the great authorities of his office. Not telling the truth about some transgressions will spawn bigger transgressions, and they will spread like a cancer across America’s character. When those transgressions come from the Presidency, only the Congress has the constitutional authority and the responsibility to provide a check and a balance, and that can only be done through impeachment. That is why we must hold the President accountable today. If we fail to do our duty, for whatever reason, but most of all for 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 forgery is a coddled President; in a new job and a hushed 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 principles and to fulfill the duties to which we swore an oath. My great fear is that if 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. Livingstone) set before us all this broken 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 is another question. Is this a difficult day? And yet it is really a day of affirmation, a day that says our system of government works. We are showing the world that our democracy is resilient. It deals fairly and it deals effectively with a leader who fails in his responsibilities.

Mr. Speaker, today we are defending the rule of law and we are letting freedom work in the lives of Americans. This is tough for all of us. We are all saddened by it, but we will complete this work on this day and then we will go on.

We will go on in a great Nation and we will go on in a government that once again strives to hold and preserve and assert its integrity along with its authority. For, Mr. Speaker, this vote today is not about the character of a President, this vote is about the character of a Nation. And, Mr. Speaker, I intend to vote for the articles of impeachment and I intend to vote for the rule of law.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Charles Schumer), a senior member of the Committee on the Judiciary who will be departing this House.

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

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

The argument made by the gentleman from Texas, the best argument that the majority has made thus far, focused on upholding the rule of law. But a hallmark of rule of law is proportionality of punishment.

If the President were caught, if any President were caught speeding at a hundred miles an hour, he would have to be disciplined so that others would not feel that reckless speeding was permissible. But one certainly would not use the political equivalent of capital punishment, impeachment, to discipline that President.

On the other hand, if the President accepted a bribe, there would be no doubt he should be impeached and all 435 of us would vote for it. Lying under oath about an extramarital relationship requires significant punishment, such as censure, but not the political version of capital punishment, impeachment.

My colleagues, the rule of law requires that the punishment fit the crime. Allow us to vote for censure, the appropriate punishment under rule of law.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. McCollum), a member of the Committee on the Judiciary.

Mr. McCOLLUM. Mr. Speaker, there are three principal questions each of us has to answer today:

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 settlement, she wanted to keep her credibility 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. That was why the President himself was charged. He told his mistress that he would lie 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 encouraging her to lie if she were 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.

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 depositions that we have been viewing. But whether you agree with all of them or not, all you have to do is to believe there is clear and convincing evidence that one of them is true, and certainly the affidavit is true, to send this case forward for trial. 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 Jones 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, convoluted 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 those actions according to Monica Lewinsky indeed were sexual relations according to that definition.

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. 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 Jones case in his deposition and then under oath again before the grand jury about that.

Not only that but in his deposition in the Jones 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 that he lied. It also indicates that the President swore 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. The President took on several occasions to swear testimony that we have repeatedly 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 has committed all of those offenses. But 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 in 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 Jim 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 condoning the acts 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 serve 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 (Edward) be 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 purpose.

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 the basis of our constitutional system of government and the Constitution of the United States. The real division that troubles me today 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 as set forth 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 impeachability of the allegations against the President, I have assumed they are accurately characterized by the proponents of today's proceedings. 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 if 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 Judicial and Executive branches—Prosecutors—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 Judge, Members of the House must determine the legal standards of impeachment—in other words, the Framers’ intent of “high crimes and misdemeanors.”

In my review of the impeachment record, it is clear that the House has not exercised the mandated prudence 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 the Constitution sets for impeachment. 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 should be of the 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 such 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 à 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 had used the 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 George Mason wrote in the Virginia ratification papers, 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 todayerves 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—indeed, 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, and that 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 constitutional examination 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 and his colleagues heard witnesses 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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the Committee voted 12 to 26 against bringing Articles of Impeachment based on this charge. They determined, together that this did not rise to the constitutional level of “high crimes and misdemeanors.”

While I am deeply disappointed with the President’s personal behavior, in my view these charges do not rise to the constitutional standard of “high crimes and misdemeanors.”

The process conducted by the current House Judiciary Committee has been politically motivated from the outset, and in this regard, the course they decided to pursue will not serve the country. For their own political purposes, they have decided to lower the constitutional standard so that it can be used as a weapon in a political disagreement.

They have crafted this action—supported by both Republicans and Democrats—is that of censure. The President should be censured, fined and be subject to prosecution when he is out of office.

Unfortunately, the Republican leadership refused to debate the House—Republicans and Democrats—to debate and vote on this option. Instead of allowing an honest vote of conscience, on a rational middle ground solution, they decided to say to all of us, “our way or no way.” There was no room for discussion, and no opportunity to work with conservative Democrats like myself.

Furthermore, it is clear that the Senate will not vote to remove the President from office. From a practical standpoint, it serves no useful purpose to put the country through more weeks and months, and maybe even years, of this process. The smudge on this President’s place in history is already established. What we are about to do will spread that same smudge to all of us, and it will not serve the country.

In the end, by choosing to pursue impeachment, the Republicans may actually let the President off the hook all together. By pursuing impeachment even though the Senate will not convict or remove the President from office, and by denying any effort to censure and fine him, he may escape without paying any substantive price for his actions.

I do not believe it is legitimate to settle political differences by using the constitutional process designed to protect our country from crimes that endanger the existence of this nation. In truth, none of the President’s reprehensible behavior threatens the nation, or our individual freedom and liberty. We’re setting a very dangerous precedent for the future, and I shudder to think how this will come back to haunt us.

I know that this has been a very difficult process to listen to and raises unpleasant issues for the people I represent in Minnesota’s 7th District. I know that they will not all agree with me this day, but having listened to their collective counsel, I believe that most of them would do as I will do—support a resolution of censure, but vote no on this tragic and obsessive effort to impeach the President.

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.

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 resign from office, 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 make impeachment 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 allow this to become the straw that breaks the backs of the American people. The American people support this President’s agenda, and they want us to move forward for better health care, for new stronger schools, for retirement security for the American people. The American people are outraged and be-
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—a non-punitive 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. Acquittal? It seems they have been announced as, and let me quote: a dreadful farce of partisan posturing; a solemnity 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 our conscience.

Do not silence the voices of the American people. Do not let the politicking 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 in the Making of the Constitution. 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 punished in the courts for any crimes he committed while in office. This is for our judicial system to decide. Try him in a federal court when his term of office ends and let a judge and jury decide—free of partisan energy. This susceptibility to such a criminal justice process proves that the rule of law applies to every one. Not even a President, above the law.

The actions of President Clinton have been described in various terms: reprehensible, inappropriate, embarrassing and others too numerous to mention. All are applicable. The actions of the President have demeaned him in innumerable ways. However, as terribly inappropriate as his conduct was—that conduct did not threaten our nation’s security, nor did it undermine the Constitution. And, though it may have hampered his performance, it did not prevent him from executing his Constitutional duties as President.

Central to the Articles of Impeachment is the question with regard to perjury on the part of the President. To determine if perjury is an impeachable offense, we must look to the Constitution and the framers. In 1974, during the Watergate Inquiry, the Judiciary Committee decided on a bi-partisan basis that only Presidential misconduct which is “seriously incompatible with either the Constitutional form and principles of our government or the proper performance of the constitutional duties of the President” justifies impeachment.

The Committee added, “Not all presidential misconduct is sufficient to constitute grounds for impeachment. There is a further requirement—substantiality. . . . Because impeachment of a President is a grave step for the nation, it is to be predicated only upon the above criteria.”

Indeed, a precedent was established that a crime committed in private life (i.e. President Nixon’s tax fraud) did not warrant impeachment. The Committee was persuaded by the legal explanation of an impeachable offense, not by the lack of factual evidence. Actually, President Nixon, knowing that he was fraudulently claiming a $576,000 deduction, had signed his name under the words: “Under penalty of perjury, I declare that I have examined the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete.” Members of the Committee determined that President Nixon’s actions in this case were not impeachable.

In addition, many Members felt impeachment of President Clinton was inappropriate and there was a great deal of bi-partisan support for a different option—censure. A Congressional censure would have allowed the House of Representatives to officially express the nation disapproval of President Clinton’s conduct while also remaining true to long-established Constitutional principles. Although some have argued that censure is not Constitutional, the matter is not prohibited by the Constitution and is, therefore, permissible. In fact, three different Presidents (Jackson, Tyler and Buchanan) have been censured in the past.

Unfortunately, despite the popularity of the censure option, the House leadership did not allow a vote on this proposal. However, with support for this measure by both Democratic and Republican members, it is troubling that we were prohibited from voting on this measure.

In the final analysis, our responsibility as Members of the House of Representatives was not to the President, but to the Presidency—one of three co-equal branches of our national government. Impeaching President Clinton would lower the standard for impeachment for future Presidents, and would therefore necessarily weaken that branch of government.

Additionally, it would prevent Congress and the Supreme Court from devoting full attention to our national and international responsibilities, since a trial would require an unknown amount of time and attention from all involved. It would prove to be the ultimate distraction to our nation’s business. And as distasteful as all have found the hearings before the Judiciary Committee to be—I feared that a Senate trial would be so salacious and sordid that all would be appalled.

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 “political 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 remedy to “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 certain deliberations by the Committee on the Judiciary.

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

DEC. 9: FOURTH PANEL OF WHITE HOUSE WITNESSES

Rep. HYDE. Very well. Would the witnesses please stand and take their seats.

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 (sp) & Block (sp) and was a special counsel that firm for the past 44 years. He’s a former United States attorney for the northern district of Illinois. Mr. Sullivan specializes in civil and criminal trial and appellate litigation, and he has served as an instructor at Loyola University School of Law and for the National institute for Trial Advocacy. 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) from 1969 to 1970. He also served as an assistant U.S. attorney in the southern district of New York from 1970 through 1973, a task force leader for the Watergate special prosecution force, 1973-1975. From 1977 to 1981, he served as assistant secretary of the treasury for enforcement and office of the inspector general. 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 16 years in the Department of Justice, during which he held the following positions: Acting deputy attorney general of the criminal division, assistant U.S. attorney for the eastern district of Pennsylvania. He is co-chairman 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 co-counsel for the Senate Judiciary Committee during the Watergate impeachment inquiry. He then served as U.S.
attorney and as head of the criminal division at main J justice under President Reagan before being elected governor of Massachusetts in 1990. Governor Weld is currently a partner in the law firm of McKinnon, Underwood, Will (sp) & Emory (sp), and he is also the author of the recently published comic political crime novel, "Macro by Moonlight." I hope that the committee and any legal or regulatory give a plug for the governors book. (Laughter.)

Ronald Noble is associate professor of law at NYU School of Law, chairman of the executive dary of the treasury for enforcement, 1994–1996, as deputy assistant attorney general and chief of staff in the criminal division of the Department, and assistant United States attorney in the eastern district of Pennsylvania, 1984–1988.

Before recognizing each of you, I will just say what ever order you choose to go, although it's probably just as simple to start on my left to the right, I would like to recognize the ranking minority member, Mr. Conyers, for a statement if he wishes to make one.

Rep. JOHN CONYERS (D-MI). Could I delay my statement, Mr. Chairman?

Rep. HYDE. No, you could.

Rep. CONYERS. Thank you.

Rep. HYDE. Very well. Mr. Sullivan.

Mr. SULLIVAN. Thank you, Mr. Hyde.

Rep. HYDE. Mr. Sullivan, I appreciate the mike toward you and put the switch on, please.

Mr. SULLIVAN. Thanks. Is that all right?

Mr. SULLIVAN. I appreciate the opportunity to appear before you today to discuss the professional standards for obstruction of justice and perjury. My qualifications to discuss this subject include over 40 years of practice in federal criminal cases, chiefly in Chicago but also in other cities.

During most of that time, I have acted as defense counsel for persons accused of or under investigation for criminal conduct. For four years, from 1977 to 1981, I served as the United States attorney for the northern district of Illinois. Chairman Hyde and Mr. Schippers are known to me from the practice in Chicago, and I believe they can vouch for my qualifications.

Mr. SULLIVAN. Thank you, sir.

Chairman Hyde and Mr. Schippers have taken an interest in, but no part in, politics. While I am a registered Democrat, I consider myself independent at the ballot box and I've often voted for Republicans candidates. I have acted for the Republican governor of Illinois, a Democratic senator, and Mayor Harold Washington. I have prosecuted as well as defended in civil and criminal matters. I appear today not as an advocate or partisan for President Clinton or the Democratic Party, but as a lawyer of rather long experience who may be able to assist you in your deliberations on the serious and weighty matters you now have before you.

The topic of my testimony is prosecutorial standards in cases involving alleged perjury and obstruction of justice are evaluated by responsible federal prosecutors. In the federal criminal justice system, indictments for obstruction of justice and perjury are relatively rare. There are several reasons. One is that charges of obstruction and perjury are not substantive crimes but rather have to do with circumstances peripheral to underlying criminal conduct. The facts giving rise to the obstruction or perjury arise during the course of an investigation into other matters, and the defendants, if prosecuted, are usually tagged on as charges additional to the underlying criminal conduct. Second, charges of obstruction and perjury are difficult to prove because the evidence is necessarily peripheral and the courts have erected certain safeguards for those accused of these "ripple effect" crimes, and these safeguards act as hurdles for prosecutors.

The law of perjury can be particularly arcane, including the requirements that the government prove beyond a reasonable doubt that the defendant knew his testimony to be false at the time he or she testified, that the words which seem to describe oral conduct or actions were false, and that any ambiguity or uncertainty about what 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. Furthermore, the broad construction of obstruction charges often arise from private dealings with few observers, the court has required either two witnesses who testified directly to the facts, or, if facts adequately are, or if only one witness testifies to the facts constituting the alleged perjury that there be substantial corroborating proof of guilt. Responsible prosecutors do not bring these charges lightly.

There is another cautionary note, and this, I think, is very significant here. Federal prosecutors do not use the criminal process in connection with civil litigation involving private parties. The reasons are obvious. If the federal government becomes involved in charges and counter-charges of perjury and obstruction of justice in discovery or trial of civil cases, there would be little time left for the civil case, and the major targets of the Department of Justice are the major targets of the Department of Justice. Further, there are well-established remedies available to civil litigants. Some of the evidence necessary to obstruct a justice process has occurred. Therefore, it is rare that the federal criminal process is used with respect to allegations of perjury or obstruction in civil matters.

The ultimate issue for a prosecutor deciding whether or not to seek an indictment is whether or not the evidence is sufficient to obtain a conviction; that is, whether there is proof beyond a reasonable doubt that the defendant committed the crime. This is far more than a probable-cause standard, which is the test by which grand jury indictments are judged. Responsible prosecutors do not submit cases to grand jury and force upon juries the burden of proof beyond a reasonable doubt. Therefore, I think that the president's interpretation is a reasonable one, especially because—

Mr. SULLIVAN. Yes.


Mr. SULLIVAN. I will—I think I can. Yes.

Rep. HYDE. Then we'll continue it for three minutes.

Mr. SULLIVAN. Thank you very much, Mr. Hyde.

It's clear to me that the president's interpretation is a reasonable one, especially because the words which seem to describe oral sex—the words which seem to describe describe oral sex were stricken from the definition by the judge.

In perjury prosecution, the government must show beyond a reasonable doubt, that the defendant knew when he gave the testi-

mony, he was telling a falsehood. The lying must be known and deliberate. It is not per-

jury for a witness to evade or frustrate an answer—non-responsibly. The evidence simply does not support the conclusion that the president knowingly committed perjury, and, given the facts as I understand them, any prosecutor would not present it to the grand jury.

Let me turn to the issue of obstruction the willful delivery of gifts to Ms. Lewinsky by Mrs. Currie. Some of the evidence on this subject is not recounted in the Starr Report, but a responsible prosecutor will not ignore the proof consistent with innocence, or which shows that an element—an essential element of the case is absent.

The evidence is that when talking to the president, Mrs. Lewinsky insistently proposed the subject of having Ms. Currie hold the gifts. And the president either failed to respond or said "I don't know," or "I'll think about it." According to Ms. Currie, she called Mrs. Currie and asked Mrs. Currie to come to Ms. Lewinsky's home to take the gifts
I would respectfully suggest that the same principle should guide the House of Representatives as it determines, in effect, make the decision as to whether to conduct an impeachment of the President. Indeed, if anything, the strength of the evidence should be greater to justify impeachment, than to try a criminal case.

In making a prosecution decision, there are some specific considerations which are present when deciding whether such a case can be made. It will not be unheard of to bring a perjury prosecution based solely on the conflicting testimony of two persons. The inherent problems in bringing a perjury action are very much more pronounced than to any degree issues exist as to the government’s sole witness.

Second, questions and answers are often imprecise, unarticulated, used summarily to define terms, and interrogators frequently asked compound or inarticulate questions, and fail to follow up on inprecise answers. Witnesses often misunderstand an answer, wandering around a question, but never really answering it. In a perjury case, the precise language of a question is not a concern. But in a perjury case, where the precise language of a question, but never really answering it. In a perjury case, the precise language of a question is not a concern. But in a perjury case, where the precise language of a question is not a concern. But in a perjury case, the precise language of a question is not a concern. But in a perjury case, the precise language of a question is not a concern. But in a perjury case, the precise language of a question is not a concern. But in a perjury case, the precise language of a question is not a concern.
Chairman, Mr. Conyers, members of the House of Representatives committee on the Judiciary, I am opposed to the impeachment of President Clinton. My opposition is grounded in part in my belief that a criminal prosecution of a sitting president would be extraordinarily difficult and involve a host of legal and Constitutional issues. I also believe the likelihood that a jury would be sympathetic to any person charged with perjury for dancing around questions put to them is extremely high. The Lewinsky affair is of questionable materiality, it was raised, and I believe that a jury would be sympathetic to any person charged with perjury for answering questions put to them. The sufficiency of the evidence that could be obtained is extremely weak. There is weak proof of the intent of the president.

Another level, I sense an impeachment under these circumstances would prove extremely divisive for the country, inflaming the passions of those who would see impeachment as an attempt to thwart the election process for insubstantial reasons. Perjury and obstruction of justice are serious offenses. They are felonies. However, in my experience, perjury or obstruction of justice prosecutions of parties in private civil litigation are rare. Rarer still are criminal investigations and prosecutions in anticipation of incipient perjury or obstruction of justice. In such circumstances prose cutors are justifiably concerned about the appearances. In these circumstances, the prosecutor should 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 attorney general in the Criminal Division during the Reagan and Bush administrations, and as undersecretary of the Treasury for enforcement in the Clinton administration. Presently 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 the law, every federal prosecutor must heed the guidelines of the Department of Justice. DOJ guidelines recognize that a criminal prosecution entails profound consequences. Criminal prosecution entails consequences for the accused, 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 as well as procedure and taxpayer 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 ask such questions as to 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 a prosecution is brought, or if a prosecution results in an acquittal?

Even before the Clinton-Lewinsky matter arose, DOJ guidelines intimated that prosecutors should pause before bringing a prosecution where the public may be indifferent to the violation. DOJ guidelines intimated that prosecutors should pause before bringing a prosecution where the public may be indifferent to the violation. Under the circumstances of the case, the consequences of the impeachment of the president of the United States are far reaching. These consequences are grave, and they impact the entire nation. Impeachment in my view is not an appropriate punishment for a president who has admittedly gone astray in his family life, as grave as that might be in personal terms.

A final point, where there is no clear proof, as there must be in this case, prudence demands that Congress defer to the electoral mandate. Thank you, Mr. Chairman.

Rep. Hyde. Thank you, Mr. Dennis.

Mr. Noble. I too am a lawyer. I too attempted to keep my remarks to a minimum. Mr. Chairman, Mr. Chairman, Mr. Ranking Minority Member, and members of the committee, before I begin my formal remarks, let me extend my thanks to the following people who helped me prepare me under these rushed circumstances: my brother, James Noble, who helped many years ago as a law student; 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, but who are the impeachment of a witness. I have been trying to give them hypothetically 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 attorney general in the Criminal Division during the Reagan and Bush administrations, and as undersecretary of the Treasury for enforcement in the Clinton administration. Presently I am a professor at the New York University School of Law where I teach, as I said, a course in evidence.

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such a case, despite his or her negative ascription of the likelihood of a guilty verdict, based on factors extraneous to an objective view of the law and facts, the prosecutor may conclude that it is unnecessary and desirable to commence of recommending prosecution, and allow the criminal process to operate in accordance with its principles and rules.

During the civil era, many prosecutions were brought against people for locally popular criminal injustice and black. However, prosecutors should not bring charges on public sentiment in favor of prosecution when a decision to prosecute cannot be made on grounds deemed legitimate by the prosecutor.

DOJ prosecutors are discouraged from pursuing criminal prosecutions simply because probable cause exists. And a number of the witnesses have already addressed this point. Why? Because probable cause can be met in a given case, it does not automatically warrant prosecution. Further investigation may be warranted, and the prosecutor should still take into account all relevant considerations in deciding upon his or her course of actions. Prosecutors should be encouraged to bring charges when it is in the best interest of justice to bring evidence of false and deceitful conduct, and even perjured testimony. Such a question would naturally lead to allegations that they cannot reasonably expect to prove beyond a reasonable doubt by the legally sufficient evidence.

It is one of the most important criteria that prosecutors must consider. Prosecution should be pursued where the trial cause does not exist, and both as a matter of fundamental fairness and in the interest of the efficient administration of justice, no prosecution should be initiated against any person unless the government believes that the person will be found guilty by an unbiased trier of fact.

Federal prosecutors and federal agents as a rule ought to stay out of the private sexual lives of consenting adults. Neither federal prosecutors nor federal investigators consider it a priority to invest allegations of perjury in connection with the unlawful, extramarital, consensual, private sexual conduct of citizens. In my view, this is a good thing. From a proactive perspective, who among us would want the federal government to initiate sting operations against private citizens to see if we lie about our extramarital affairs or other private sexual conduct. I suggest a rule that required all federal job applicants to answer the following question under oath: “Because we are concerned about our employment, we are required to declare any sexual misconduct or inappropriate sexual conduct, and because we want to know whether you would be at risk, please name every person with whom you’ve had a sexual relationship or with whom you’ve had sexual intercourse during your life. It certainly would be relevant and it certainly might lead to blackmail.”

Such a question would naturally lead to allegations of perjured responses. Irrespective of constitutional challenges from a public policy, Americans would object to federal prosecutors and federal agents investigating and prosecuting those cases that came to our attention. Could we trust our government to make fair, equitable and unbiased decisions about how much to investigate 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 witnesses, install wiretaps and insert bugs to see if we lie about our extramarital affairs would concern us all. Prosecutors are admonished not to recommend prosecution, and allow the criminal process to operate in accordance with its principles and rules.

Prosecutors are admonished not to recommend prosecution, and allow the criminal process to operate in accordance with its principles and rules.

CONGRESSIONAL RECORD Ð HOUSE

December 19, 1998
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 was the United States Attorney in Massachusetts, with the guidelines and procedures that also have been developed over the years to try to ensure uniformity in charging decisions.

It so happens that I, from 1979, for nine months, I also worked for this committee under Chairman Rodino on the impeachment inquiry into President Nixon. And I worked on the compliance law, for example, which was charged with reading every precedent—in Britain (sp), in Heinz (sp), in Cannon (sp), in reported cases in the records of the 1977 debate on the Constitution—having any relevance 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 basements and attorneys' 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 activities.

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 not true; there's usually something else involved in a federal perjury prosecution. There's a pass-through aspect here—your really going to something else. I once prosecuted a guy who stated that he was in Florida on November 28th and 29th, 1981. You may say, that's kind of you know, stooping to pick up pins. But I prosecuted him for that. Well, that was the day the city of Lynn, Massachusetts burned down, and this guy was an arsonist. All the people made him in the Portory Police in Lynn, Massachusetts that day, so—and we found his fingerprints on a ticket to Florida the next day after the fire, so we thought it would be a good idea to bring a perjury prosecution there to ratify the cage a little bit, and we did. And often, we brought them where we were trying to penetrate a wall of silence, as in cases of public corruption or narcotics, when you're trying to break through this omerta, everyone's got to dummy up, phenomenon. But there's something else that you're trying to get at here.

Until this year, the policy of the Department of Justice was that in cases of false statements they would not seek an indictment based on the basis of nine months' experience, but for common sense, you don't qualify as an expert on the basements and attorneys' experience, but for whatever they're worth.

In my view, it would have been a handy idea to carve out an exception to the abrogation of that doctrine for cases involving personal misconduct as opposed to a violation of an instrument as such as was involved there. Certainly, a responsible prosecutor could apply that filter in the exercise of his or her discretion.

The last thing I just say, on the law of impeachment, I am pretty well convinced that adultery, fornication or even a false designation of a place—false designation of a place of denial of adult acts—is that they do not constitute high crimes and misdemeanors within the meaning of the impeachment clause of the U.S. Constitution. They're not the sort of offenses that any government, they don't imperturbable the structure of our government.

The remedy of impeachment is to remove the officeholder. Get the worm out of the 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 do this stuff. This is a man who's been elected president of the United States twice, and thus entitled to this office, after allegations very similar to those now before him.

So, I come out thinking that the most appropriate way to go is 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 come back and count, dehedral report of their findings. That could easily be done here, be entirely proper. Number two, there could be a written acknowledgment of the perjury, as the president, and for reasons which will become evident in a moment, I would propose that there be insistence on the use of the word "lie" or "perjury" there, but it's something that could be negotiated to reflect the gravity of what he has done.

Number three, there could be an agreement to pay a fine. This is something tangible, more tangible than censure, and it involves the respondent as well as the moving party, the moving party here being the House. And that was my position. That would mark the solemnity of the occasion.

And the agreement would remove any doubt about something going to court and saying there's no basis for this. It would be thrown out on the basis of the political question doctrine anyway, I think.

I'm not here to say what the fine should be, but if memory serves, Speaker Gingrich had to pay quite a large fine not so long ago because people didn't like either the content of the bill or the way in which he was quoted. But I would suggest that the the House might wish to consider providing that the fine could not be paid out of the proceeds of a legal defense fund, given all the other ramifications that could come from that.

Finally, what I am proposing, the final element would be that the president would have to take his chances with respect to the criminal justice process post his presidency. I do not agree with those in the media who say that any deal on censure has to protect the president from any criminal proceedings after he leaves office.

First of all, there doesn't have to be any deal on censure. The power. The White House has no leverage there. Second, the Constitution explicitly says that even if a president or anybody is under indictment, they remain liable to trial and indictment. It's very explicit. It's right in the Constitution. If the objection is that the spec- ific prosecutorial conduct would be tawdry and degrading, it really couldn't be much more tawdry and degrading than what we've already been subjected to through the constant daily reports of the Lewinsky affair.

Lastly, I agree with everyone who's spoken before about whether a perjury prosecution here really lies. I think there's quite a low risk of that from the point of view of the president. So that's the suggestion. It's a political suggestion, but this is in part a political process about a five-part deal, if you will. And I think the dignity of the House would be upheld if something like that were to be worked out, and everyone gets to talk about it more easily with attending to the public's business.

Thank you, Mr. Chairman.

REPEL. Thank you, Governor. Mr. Sengenbrenner.

Rep. Sengenbrenner. Thank you very much, Mr. Chairman. As I'm sure all members of the panel know, the last impeachment took place nine years ago, in 1999, against Judge Walter Nixon of Maryland. And in that impeachment, the Senate, by a vote of 41 to 17, declared that making false statements to a grand jury was an impeachable offense. The Senate agreed with the House's judgment, because Judge Nixon was removed from office on a 91-8 vote on both of those articles of impeachment.

I'm wondering if members of the panel think that the House made a mistake nine years ago in unanimously declaring that false statements to a grand jury were impeachable offenses.

Mr. Davis. One, I think you have to look at the difference between the two. I mean, first of all, there was no perjury, there's no basis for the predicate to perjury taking place. I assume also that the perjury, as the judge himself recited, went to the core issue in the matter of the campaign contributions, and you had certain important factual differences.

I also think that there's an important difference when one is considering the issue of 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 think that you do have a 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 subject, if you will, of the impeachment—the privacy, to use your words, is the impeachment. 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.
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 counts of making false statements. So while there are some differences, there are also some similarities in that private misconduct was alleged as a part of the grand jury investigation.

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 for a federal judge somewhere in the country because the president is elected and the judge is appointed and holds office for good behavior.

Mr. Davis: No, I'm not saying—

Rep. SENSENBRENNER. You know, am I wrong on this?

Mr. Davis: I'm not really saying that. I'm saying that the standard for truthfulness 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 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. Yes, the gentleman from Florida, Mr. McCollum, many of the president's defenders were troubled about the alleged false statements to the grand jury. And at least one of the witnesses today, Mr. Davis, is a former Congressman of the House, flat out said that the president lied before the grand jury. That's what the House found in terms of Judge Nixon, as I know, it did find that if a judge lies to the grand jury, we all agree that it's impeachable, and if the president lies before the grand jury, then there is a huge question whether or not he's impeachable. Now, who's going to stand up for the truth here?

Mr. Davis: Well, respectfully, I don't think that the evidence supports the perjury in the grand jury, as articulated in my statement.

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

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

Rep. CONGERS. Gentlemen, I want to pay my high compliments to all of you gentlemen because you have now put on the record, once and for all, all of these pestering questions that have been tempesting to be dealt with in the past, whether they were wrongs and, Ron, 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 in the Los Angeles Times, George Will, Sam Donaldson, and Ms. Buchanan to get a copy of this, Tim Russert, Mr. Sullivan, you raised and, I think, Mr. Davis, you raised in particular, about perjury and the question of perjury in the grand jury case in which it was dismissed?

Mr. Sullivan, you and Mr. Davis and several others on the panel pointed out how rare you think it is for perjury cases to be brought in federal court in civil cases, and yet we have the Mary—Barbara—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. The25. On August 4, 1998, a former employee of the United States Postal Service, Diane Parker (sp), was sentenced to 13 months in prison after pleading guilty to a charge of 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 29 of the testimony that's right here. There are 115 people, minimally—maybe more than by now—serving in federal prison today for perjury, and, as I say, most of those or a great many of those for civil perjury. So maybe the policy a few years ago was different, but certainly prosecutors are prosecuting in these sexual harassment-type cases and the type of Battalino and Parker 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. Now, with regard to perjury, 1263, as you've pointed out, rightfully, does allow prosecution with a single witness. And I dare say that about 90 percent of the cases that we prosecute today that have people going to prison in the federal system have been brought under that.

I've looked at it, and that's who those 115 people, certainly, are.

Now I'll agree with you, I think your analysis is good. You need corroborative witnesses, even though it may not be required. And I think the question here is in the grand jury case with respect to 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 garb of a legal proceeding the one case. That court included in its definition explicitly the touching of breasts or genitalia. Now, the president said, "I did that." He admitted it very specifically to the grand jury testimony. Monica Lewinsky said on nine occasions in her sworn testimony before the grand jury the president touched her breasts, she engaged in four occasions sexual genital contact and that all of this was aroused. Now, the issue of corroboration, there are 10 corroborative witnesses. Interestingly enough, strangely enough, Monica Lewinsky talked contemporaneously with family members, friends and relatives about these matters in great detail. And we have 10 of those witnesses today that have corroborated the one case for which it was dismissed.
So I think that if you look at this from the perspective of a trial lawyer, in terms of how they're going to have to say she's telling the accurate. They're going to have to argue Lewinsky's testimony in other issues is not and his prosecutors themselves are going to prosecutor is going to put forward, Mr. Starr 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 had an incentive to lie. And she think the reasons why that prosecution

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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 pursual of an attack on his reputation. Just as he might conclude, against our system of government.

And secondly, in affronting the judicial system, the other third branch of government by directly giving false statements under oath could be considered, could not, as an attack on the delicate balance of separation of powers, his disdain for the judicial system? We have to have that into consideration, do we not, Governor?

Mr. WELD. It could be so considered, Mr. Congressman; those arguments, while fair on the one about Mrs. Currie?

Mr. SULLIVAN. Mrs. Currie testified that she did not feel that the president came and asked her some questions in a leading fashion—"Was this right? Is this right? Is this right?" that kind of question was taken in the way it was taken in the J ones case. And she testified that she did not feel pressured to agree with him and that she believed his statements were correct—

Rep. SCHUMER. Correct. Mr. SULLIVAN [continuing]. And agreed with him. He—the quote is, "He would say, 'Right,' and I'd say, 'Wrong.'"

Now that is not a case for obstruction of justice. It is very common for lawyers, before the witness gets on the stand, to say, "Now you're going to say this, you're going to say this."

Rep. SCHUMER. Right.

Mr. SULLIVAN. Now it doesn't make a difference if you've got two participants to an event and you try to nail it down, so to say. Rep. SCHUMER. Do you all of you agree with that, with the Currie—the Currie—

Mr. LOAF. Yes.

Rep. SCHUMER. And on the other two, the Lewinsky parts of this, is there—

Mr. Davis. I think I agree some.

Rep. SCHUMER. Don't even understand how they could—how Starr could think that he would have a case, not with the president of the United States, but with any other—body and history has not been so obvious that there would be an overriding desire not to have this public and to have everybody—have the two of them coordinate their story. Miss Lewinsky—and if there were not the finest—

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Rep. SCHUMER. Mr. SULLIVAN. Because that's the one I
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. COBLE. That's my understanding of the facts; it is my awareness of the fact that there are some few prosecutions for perjury arising out of civil matters which are not in any way related to any national security or to any criminal prosecution.

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

Rep. SENSENBNRENNER. Time's up.

Rep. COBLE. Mr. Sullivan.

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

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

Actually, the question I'm most curious about is whether, Mr. Davis, if there had been a cooling-off period, and if President Ford had issued the pardon, what do you think Mr. J. Jaworski 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 wait?' 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 about whether all the elements of perjury are present in this case. We're not a courtroom; some people keep wanting 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 was involved in this case. 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 knew 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—Is this a—Is this a well thought-out alternative to impeach the President?

Mr. SULLIVAN. I can only speak from my experience as a prosecutor, but I have had situations where my assistants, but agents, have said to me after the discussion about the evidence and we concluded that we cannot get a conviction, it's likely we'd lose, 'Let's indict him anyhow to show him.' My response to that is, 'Get out of my office and never come back.'

Rep. FRANK. But you might try to become an independent counsel, you might tell that person. [Laughter.]

Rep. HYDE. Thank the gentleman.

Mr. WELD. Well, I'm very interested in your statement, which I would wholly concur, that the intent of the impeachment power was to protect the public interest, and that the standard that the Constitution requires, that the power was to protect the public interest, and that your further statement that impeachment should not be deemed to be punishment for that individual misconduct, that the punishment can occur in the regular course.

You cited the constitutional provision that says that for any crimes that are committed during the tenure of the presidency, the president can be indicted and tried, just as any other American.

I gather, however, from the thrust of the testimony of this panel of witnesses, that perjury prosecutions, as civil actions are rarely undertaken. I gather also that perjury prosecutions generally, while undertaken on occasion, are not the first resort of prosecutors in most cases. But in this particular instance, there is yet another avenue in which the president potentially could be sanctioned for misconduct that occurred in his testimony under oath, and that is in the U.S. district court in Arkansas, which had jurisdiction of the case.

I want to read a couple of statements from students at Roxbury Latin School, which is, I'm sure you know, a school in Boston. This was a column that appeared in the Boston Globe. Mr. Berman was quoted in it, and the students were the ones that they accept the president's statement of regret. He said, 'They would have none of it,' and then he generalized their reactions, which I'm sure you want to read. And these are quotes. 'You've got to be kidding. This wasn't some one-time lapse in the face of sudden and unexpected temptation. The president and watergate and all that.'

'Clinton lied passionately, looking us in the eye; then he played word games; but he never told the truth until he was caught.'

'Cheating by students usually results in suspension. Repeat cheating brings expulsion. Clinton cheated repeatedly. The only difference is that Clinton is a lot older than we are, supposedly a lot wiser, and he holds the highest public office there is.'

'Maybe we're naive, but people our age will look up to that and see when we look at Clinton is someone who can't control himself and lies to his fellow citizens.'

Governor Weld, aren't those students generally right in their assessment?

Mr. WELD. Well, Mr. Congressman, I don't think anybody's saying that the President couldn't commit perjury, but the President wouldn't—wouldn't—that wouldn't cause you to stop bringing in the case, I assume.

Mr. WELD. That's why it says 'reasonable and unbiased.'

Rep. BERMAN. Right. And, of course, so you'd have to conclude that here the United States Senate, by conclusion, you'd have to reach a conclusion that they were somehow not a reasoned and unbiased jury to apply that logic in this situation.

Mr. NOBLE. Mr. Chairman.

Mr. NOBLE. May I just respond? And let me quote from the Department of Justice guidelines, because they use precisely that example to make that point. And they say, and I quote:

'For example, in a civil rights case or a case involving an extremely popular political figure, it might be clear that the evidence of guilt was overwhelming. An unbiased fact-finder would be sufficient to obtain and sustain a conviction if the prosecutor might reasonably doubt whether the jury would convict. This would be the case with a political figure's negative assessment of the likelihood of a guilty verdict based on factors extraneous to an objective view of the law and the facts, the prosecutor concludes, that it is necessary and desirable to commerce or recommend prosecution and allow the criminal process to operate in accordance with its principles.'

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

The gentleman from Texas, Mr. Smith.

Rep. LAMAR SMITH (R-TX). Thank you, Mr. Chairman. Mr. Chairman, I have an observation and then a question for Governor Weld.

I strongly disagree with the premise of this panel, which is that the President should be considered, quote, 'an ordinary citizen.' And therefore I disagree with the conclusion.

To me, the president has a special responsibility that goes beyond that of an ordinary citizen. He holds the most powerful position in the world. He is the number one law enforcement official of our country. He sets an example for us all. Other positions in other positions of authority, such as a business executive or a professional educator or a military officer, if they had acted as the President is alleged to have acted, they would be indicted, and yet they don't hold near the position of authority that the President does.

Let me read a statement from the rules under which President Nixon was tried for impeachment. It says, 'The office of the President is such that—the office of the President is such that it calls for a higher level of conduct than the average citizen in the United States.' Because of the President's special authority, I think it makes the charges against him more serious, and therefore the demands that any punishment be more severe. The way there, let me compliment you for offering a well thought-out alternative to impeachment. It's not saying with it; it's just a well thought-out alternative, I think.
Mr. NADLER. Well, whether I've mischaracterized or characterized, it since that is—

Rep. HYDE. You can say anything you want, Mr. Nadler.

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.

Rep. HYDE. You will be provided with a copy of the opinion, please?

Rep. NADLER. Thank you, Mr. Chairman.

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

Rep. GALLEGLY. 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?

Mr. SULLIVAN. It sounds like you said is correct, if I recall, Mr. Gallegly.

Rep. GALLEGLY. [Laughs.] Thank you. You know, the evidence indicates that the President and Mrs. Lewinsky, or Ms. Lewinsky, had three conversations about her testifying in the Jones case within one month before his deposition. When the President was asked, "Have you ever talked to Ms. Lewinsky about that story that she might be asked to testify in this lawsuit?" he answered, "I'm not sure." Governor Weld, do you think it's reasonable—

Mr. SULLIVAN. It really don't know, Mr. Congressman.

Rep. GALLEGLY. Thank you, Governor. When the president was asked, "At any time, were you and Monica Lewinsky together at any time?" and also was 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 left the White House 20 days 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 is made that was a false statement but knew it was false at the time it was made. That's correct.

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

Mr. SULLIVAN. That's my understanding.

Rep. GALLEGLY. 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 protecting the ability of the American people to trust the highest elected official in the land. One of my constituents called me yesterday. Do you recall the one of Les Savgage (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 his perjury, but he hasn't done so. The president's failure to present any substantive evidence is consistent with his obvious lack of concern about how serious the offenses are. He has not lied. Mr. Chairman, I yield back.

Rep. HYDE. The gentleman from New York, Mr. Nadler.

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

Rep. HYDE. State your inquiry.

Rep. NADLER. Thank you. Mr. Chairman, a few weeks ago, when Mr. Starr was here, in answer to a question I asked, he referred to a case which was then 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 being biased.

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 permitted to quote this case?

Rep. NADLER. Could you speak up, please? I can't hear you. The false statement under oath section of the U. S. Code really—

Rep. NADLER. Correct me if I'm wrong. The false statement under oath section of the U. S. Code really—

Rep. NADLER. It sounds like you said is correct, if I recall, Mr. Gallegly.
prosecutorial judgment would come into play in which you’d have to accept 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, that did 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 statement under oath, and I agree, to the fact that 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. Davis. 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 otherwise. It could come in at some point, depending upon cross-examination. But the point is, whatever motive she had to falsify in the grand jury on this——


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.

Mr. Davis. That is correct.

Rep. Nadler. And—yes, Mr. Noble.

Mr. Noble. Yes, I can talk about that for just a moment. I believe 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 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 to perjury.

Rep. Maloney. Applies to false statements under oath, as well as to perjury. I tried a case, a false statement case, I convicted it at the jury level, was reversed on appeal because of an illegal verdict, the defense, the same defense——

Rep. Nadler. Thank you. I have one further question, if I can quickly get it in. Mr. Smaltz, the special prosecutor in the Epsy case, said that an indictment is as much a specter inherently unreliable as testimony?

He said that the same arguments I think have to be brought to the text of the Constitution and evaluated in the light of different circumstances.

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 in the United States, was accused of sexual harassment, and the corporation had been accused of sexual misconduct, or any other major 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 impair the discovery.

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 decision.

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 with me on some of the facts. But I think we may 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 for the perception of how that corporation 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.

And I think that’s an appropriate way for a prosecutor to view the case.

Now, as a judgment about the facts of this case, differ from yours, based on what I’ve seen today, because I think there is compelling evidence here that points to the conclusion that this is a pattern of lying under oath and other misconduct.

But on the standard for prosecution, I think you’ve raised some good and valid points in terms of little bit with the application of that in this context. The argument has been made that in essence, we in the House should, in carrying out our responsibility, look to the Senate, and make a guess about how the proceedings would turn out in the Senate, to determine how we exercise our responsibility under the Constitution.

I would suggest to you, I don’t think that’s a proper way for us to proceed. I believe that we have an independent responsibility, under the Constitution, to evaluate concerning the conduct of the president, and whether he should be impeached or not. And it would be in derogation of our constitutional responsibilities to attempt to count noses in the Senate. I will have to say that it’s a very difficult thing to count noses in the Senate anyway, 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. It is the job of this body to determine that, 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 wouldn’t. And it would not be obvious on the face of the documents. Some of these arguments I think have to be brought back to the text of the Constitution and evaluated in that light.

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 in the United States, was accused of sexual harassment, and the corporation had been accused of sexual misconduct, or any other major 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 impair the discovery.

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And 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-stakes case has to be evaluated in light of those circumstances?

Mr. Dennis. I think there’s one point on this. That, the analogy doesn’t really exist. I think 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 one-on-one testimony as a chief executive. But thank you.

Mr. Dennis. Well, I think that the issue of motive is a high-stakes case has to be evaluated in light of those circumstances.

And it’s further weakened by 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, that did make such a prosecution, in my view, doomed to failure.


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 the alleged misconduct and perjury in the Jones civil case, having to do with alleged cover-up of a sexual affair with another woman, or two women or three women. And I’d like to know how that person should be perceived insofar as these kinds of charges.


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

The gentleman from Virginia, Mr. Scott.

Rep. Robert Scott (D-VA). Thank you, Mr. Chairman.

Rep. Malone. In your prepared testimony you said that no serious consideration would be given to a criminal prosecution rising from the alleged misconduct and perjury in the Jones 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. That simply would not have been given serious consideration for prosecution. It wouldn’t get in the door. It would be defeated out of hand.

Are you aware that we are not just as straightforward as to now as to all of the allegations, specific allegations of perjury, that even yesterday the gentleman from Florida, Mr. Canady, from a different statement that he believed to be perjurious? ABC News said that the Republicans—on December 7th said the Republican House 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 is that was false?

Mr. Sullivan. No.

Rep. Scott. Thank you. Mr. Noble, in fact-finding, is there 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. Are you conflicting grand jury testimony and copies of FBI interview sheets inherently unreliable as testimony?

Mr. Noble. Because the decision is based on testing 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 you possibly can, or whether or not he or she can withstand cross examination. Otherwise, you just have hearsay.
Rep. SCOTT. And because of that unrelatability, is it—you can't make a case just using grand jury testimony to make a case against someone.

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

Rep. HYDE. You, Mr. Davis, in your testimony, on page 13 of your prepared testimony, right at the top—you didn't have time to go into 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 reluctance 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 who had an illicit relationship with a woman would, when it was over, be willing and want to help her get a job in another city. That's true in any relationship with Miss Lewinsky. People who have an illicit relationship often understand that they would 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.

The evidence, 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 a prosecution, you've got the burden of persuading the jury that there are facts. You know, it's a question, I must say, of counting votes in the Senate. The issue is in thinking through the standard of whether to proceed at the House level, whether you in thinking through the standard of whether the Jones case, there was no reason to be in any proceeding. And given the status of civil deposition, Ms. Currie was not a witness before the president for any proceeding. And given the status of the president's conversation with Ms. Currie, absolutely not. Yes, I would like to respond to that.

Mr. NOBLE. I say this with all due respect: the president was engaged in a legal proceeding that we are involved in. Is there anybody on this panel that disagrees with that? (No audible response.)

Mr. NOBLE. I believe that—and I'm not sure that whatsoever these proceedings is. I'm only saying that since your constituents; I got mine last week from a constituent who started out by saying that the president was engaging in a legal proceeding that we are involved in, and the score remains zero to zero, I take it, with the presumption of innocence being in favor of the president.

Could you have a response?

Mr. NOBLE. Yes. I would like to respond to the previous congressman's comments.

Rep. HYDE. Before you're done—

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.

Rep. WATT. That's right.

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 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 whether the president obstructed justice, in other words, whether his actions were an abuse of power." I'm not sure I would pre-judge the case, then we ought not to be moving ahead.

Mr. SULLIVAN. I'm not sure I would pre-judge the case, then we ought not to be moving ahead.

Mr. NOBLE. I believe that—and I'm not sure that whatsoever these proceedings is. I'm only saying that since your judgment here is high crimes and misdemeanors—that's the test—in my opinion, a responsible federal prosecutor would not bring a case based on these charges in the Starr report.

Mr. SULLIVAN. Absolutely not. Yes, I would like to respond to that.

Rep. WATT. That's right.

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 proceeding that we are involved in. Is there anybody on this panel that disagrees with that? (No audible response.)

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Mr. SULLIVAN. Absolutely not. Yes, I would like to respond to that.

Rep. WATT. That's right.

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Okay.
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 that the improper motive is ever a consideration. However, before getting a conviction, you need proof beyond a reasonable doubt.

Here, in order for it to get voted out of this House by a two-thirds majority. However, in order for a conviction to occur, you need proof beyond a reasonable doubt.

In addition, it's my understanding that you would not be exempt from prosecution during the time that you served as governor. House to remove the executive from office. Then, 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. Let's see. We've had perjury prosecutions. If she gets 'transferred' to the District of Columbia, it's a federal case, which means it has to be tried in the federal court.

Mr. WELD. That's right. That's right. Actually, one of the reasons I resigned in '92 was because the Mexico ambassadorship was taking up so much of my time. I didn't think it was fair to the people to come and see me in the capitol, to have them think that there ought to be an impeachment.

Rep. GOODLATTE. Now, also, if the judgment against the governor is reversed at a later time, the pardon was restored to his 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 in agreement that the likelihood of any kind of indictment of this president, in my opinion, is very low, that's because of my assessment of the evidence for all of those elements to get a conviction.

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

When I said I thought that the post-term pardon is, that's because of my assessment that the post-term pardon is where the president can pardon himself, and the post-term pardon is where the president can pardon himself, and the Constitution is very explicit about the requirement that the president be out of office or because he could bestow a pardon or because he could bestow a pardon upon himself that would take place?

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

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

Rep. SENSENBERGER. 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 serious and it's not just my position, so the only thing that I think would you agreed that you would not be able to hold that position.

Rep. CONyers. Okay. Mr. Noble, I can't even imagine me being accused of anything as serious and it's not just my position, so the only thing that I think would you agreed that you would not be able to hold that position.

Rep. CONyers. Okay. Mr. Noble. I can't even imagine me being accused of anything as serious and it's not just my position, so the only thing that I think would you agreed that you would not be able to hold that position.

Rep. CONyers. Okay. Mr. Noble, I can't even imagine me being accused of anything as serious and it's not just my position, so the only thing that I think would you agreed that you would not be able to hold that position.

Rep. CONyers. Okay. Mr. Noble. I can't even imagine me being accused of anything as serious and it's not just my position, so the only thing that I think would you agreed that you would not be able to hold that position.
of sexual relations and I understood the definition to mean sleeping with somebody. I don't want to get to particular here.

Rep. L. GOREN. Thank you.

Mr. NOBLE. But if that was 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. L. GOREN. Let me ask you, Mr. Noble. You're a criminal lawyer. Is it not true that 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 comment on the civil deposition. The District of Columbia. The District of Columbia. The District of Columbia.

You're an evidence professor. It's been all sorts of--

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 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. No, I 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; before an officer authorized to administer oaths by the laws of the United States; before an officer authorized by the laws of the United States or place--of the place where the examination is held, or before a person--

Rep. BUYER. Right. But if you go down further, it reads, "the 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.

Rep. 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 here and go with the polls." But as in the prosecution of cases, you don't have that luxury, do you?

Mr. NOBLE. I believe that what one is supposed to do is to make one's best judgment in terms of what an unbiased decision of fact would decide. If the public polls are deemed to be based on unbiased opinion, I think they're entitled to be listened to. 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 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 add to my story 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 new thinking in this room, because as I read the provision "treason and bribery and unfit morally," I do not hear the claim "treason and bribery and unfit morally." So we're discussing actually applies and orange, not just orange. And that confusion causes the divide and the inability for us to come together in a collaborative and bipartisan manner.

I would like to say that maybe the panel that is missing here are spiritual leaders who might address the question of the schoolhouse in Texas; to be able to talk about redemption or the fact that "no, liars are not excused and it is wrong"; to teach parents how to teach their children; church houses and congregations and parishes how to lead America morally.

But the impeachment process is not a spiritual process, it is a process, in fact, that we move forward with one, the one, and as these gentlemen, who I applaud for your presence, your intellect and your experience, have come to answer concerns as put forward by the president's defense, why wouldn't like to get to what you're here for--to present information that is relevant to the impeachment question. That is not a spiritual question, it is not a moral question, it is not to condemn morally the behavior of the president.

Now, my friends say there's no new evidence. If they were to turn to page 93 in the president's presentation, there's a statement that say there is no evidence that the president obstructed evidence in connection with gifts. But the point is, the independent counsel, Mr. Starr, said the president and Ms. Lewinsky set and discussed what should be done with the gifts subpoenaed by Ms. Monik. Here, he's talking to Ms. Lewinsky's testimony, not ever put forward:

"He really didn't. He really didn't discuss it." And so you have it 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 is sexual relations and I understood the definition to mean sleeping with somebody. 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 want my client answering questions without 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, 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. DAVIS. The grand jury is really the instrument of the prosecutor, or they may ask some of their own questions. It's really the agenda of the prosecutor. And what it is not a vehicle for getting an assessment of the credibility of witnesses that appear there. There is no cross-examination. It is the prosecutor's presentation of a case. It is sufficient to determine what ultimately will happen in a trial.

Rep. JACKSON-LEE. Mr. Sullivan?

Mr. SULLIVAN. The reason, I think, a perjury prosecution on the sexual-relations issue would fail is that the President has not been charged with a crime and is in his grand jury testimony what his understanding of the term meant, when he gave his testimony in the Jones case. And I do not think the light of the perjury definition and, in light of what happened, that it can be said that there is proof beyond a reasonable doubt that he did not honestly have that intention.
I think you've done a good job at it.

that's not the case. But in the end, I do want to thank you for your able presence. You've done, again, what you were supposed to do as part of this presentation. I think you've done a good job at it.

I think it's improper, and for Congress to turn this the other way and look the other side, I don't think we can do that.

Now, we all, in the end, have to vote our conscience, and I doubt not that the President would not vote his conscience, but the threshold. That's not the case. But in the end, I do want to thank you for your able presence. You've done, again, what you were supposed to do as part of this presentation. I think you've done a good job at it.
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, no. I 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, I don't know what was going on. I'm trying my best to avoid and was playing word games in his deposition.


Mr. Davis. I 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 here for.

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.


Mr. Noble, in your statement you said, "Members of Congress should consider the impeachment of the president a last resort." Was it your purpose to underemphasize, in essence, the impact of the president's testimony materializing in the Paula Jones case? The resolution should be 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.


Mr. Noble. In your statement you said, "Members of Congress should consider the impeachment of the president a last resort." Was it your purpose to underemphasize, in essence, the impact of the president's testimony materializing in the Paula Jones case?

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 into account in deciding whether or not you want to base your impeachment, as I've read, on perjury. You can base your perjury case, in 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. I think you're very much. And I--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 of this country, somebody that we can respect and who actually tells the truth.


The gentleman from Massachusetts, Mr. Meehan.

Rep. Meehan. Mr. Hyde--Rep. 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 the 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. The indictment, Mr. Craig has to make sure 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 the fact is, Mr. Craig has to pass, to get witnesses before this committee to prove the president's innocence.

Mr. Noble, 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 a grand jury proceeding, it's not a trial. Now, have you ever had a case where you as the prosecutor appeared before a grand jury and gave your presentation as to why you thought the president had committed a crime yet called no material witnesses--no witnesses--yet, nonetheless, you got an indictment?

Mr. Weld. 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. Mr. 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 far that way, Mr. Congressman.


Mr. Weld. But, although Governor Weld, 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 that high bar has the obligation to provide the material witnesses? Mr. Sullivan, isn't that the way the system works?

Mr. Sullivan (?). Yes.

Mr. Davis. It clearly works and must. And indeed, I think that the burden to proceed with an impeachment should have a higher evidentiary threshold than the burden for a prosecutor to bring a criminal case, because of the cleansing of the impeachment--are such more important national--

Rep. Meehan. Let me go on to another instance. There is all of this obstruction of justice that is going on behind 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 them? The grand jury specifically certified that the president's deposition was material in the Paula Jones case. Well, it just so happens that I got a copy of that
Mr. Davis. If there are conflicts that are revealed so that there are factual issues, the issues then becomes 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, of course there are credibility issues, that’s when it becomes important for the person with the responsibility for making the decisions, to call this counsel in to view the actual truth which is, of course, revealed when the credibility of the witnesses is at issue.

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

Mr. Davis. If there is no conflict——


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


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

Rep. Barr. [chuckles] Mr. Chairman, if you can ask questions and then start the time for me, you can do that 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 was dismissed or dismissed himself from the panel today, because after promising us yesterday that we would not be hearing technicalities and legalities, that’s all we hear today. And that’s fine. We have a panel of very distinguished criminal attorneys here, and that is the essence of criminal law, finding clever ways to parse words and definitions, and determine why certain 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 who 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 activities—using the term “any person”. Now, to Mr. Sullivan, “any person” may not mean any person. And they may be talking to the average person of common sense it would. So we still have this legal, technical parsing over definitions and words that really leaves us precisely where 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 presumption or scenario that the president, in talking to Mr. Webster 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” may not mean any person. And they may be talking to the average person of common sense it would.

Mr. Sullivan, I think your comments were interesting. You know, the “almost did it” theory. You know, I don’t think he and I disagree 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 suggest that this is why we have given the opportunity to this Congress to deal with that particular issue.

I now think it was Mr. Chabot that raised the issue about recollection and forgetfulness. You’re all experienced trial lawyers. We know as human beings that memories—people can answer in good faith and misunderstanding.

Is that a fair statement, Mr. Sullivan?

Mr. Sullivan. Of course it is.

Rep. Delahunt. Well, 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 provided 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 testimony. And it’s fully detailed here, and I want to submit it, Mr. Chairman, for the record.

Rep. Hyde. Without objection, may be received.

Rep. Delahunt. You know, I think it’s important to—also to note that credibility is an issue here, Mr. Davis. It’s a real issue. And 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 like to read to you his statement. “Monica Lewinsky’s credibility may be subject 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 before we proceed.

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

Rep. Delahunt. Miss Lewinsky has on numerous occasions lied, if you have read—

Mr. Davis. I think Mr. Starr’s transmittal references that.

Rep. Delahunt. And earlier Mr. McCollum talked about nine corroborative witnesses. My memory of the Starr communication is that she told different stories to different people.

Mr. Davis. I think they’re set out there, and as I said before, it’s also just the same—if she had a preconception or motivation to tell a lie, it didn’t matter. For her theory, it was the same with those people, in any event.
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. And tell them not this as a very fast pace, and I suppose you saved, Mr. Craig, the best till last, a very bright panel.

And tell them, I think 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. You're all 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 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. JENKINS. Right. The grand jury testimony.

Mr. SULLIVAN. In the grand jury testimony.

Rep. JENKINS. And you commented that you thought the president's interpretation was reasonable. Is that?

Mr. SULLIVAN. No, I said it is not—yeah, I think it's a reasonable interpretation, and that it was—he insists that that is his interpretation. And it seemed to me, given the way the president's legal team had probably a reasonable doubt that he thought he was telling a lie, that you could not make a criminal case against him.

Rep. JENKINS. Well, now, this is a solemn matter, and I want to keep it that way. But for those people across this land who are viewing this, now, I want to ask you if—you've come down here and testified. And actually what—when it comes down, when you pull the shuck back and look at the corn, what the American people are supposed to believe is that we've got a guy down at 1600 Pennsylvania Avenue who's smart enough to get himself elected, who's smart enough to serve as the president of the United States, and he doesn't know what sex is.

Mr. SULLIVAN. No, I'm not suggesting that at all. It's absolutely not what I'm saying. I have never said or four times. And the judge in the Jones case gave a specific definition of the term sexual relations. She deleted two sentences that specifically read on, as the patent lawyers say, oral sex. The president said in his mind that took oral sex out of it, and that what was left was, we would call it normal sexual intercourse. And he said "That is the definition I was responding to." Now, you can say "That's silly, that's ridiculous, I don't believe it," but that's what he says. And that's seems to me that if you were to bring this as a criminal case with that background in mind and what was left in that definition, you can't make a case. That's all I'm saying.

Rep. JENKINS. Well, you and Mr. Noble have both indicated that you don't believe—and provides of other witnesses other panel members have indicated that—Mr. Noble [off mike].

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. One minute and I'll try to give you an opportunity. 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. Just what I've read in the newspapers and the news reports.

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 peripheral to issues in the case, the alleged perjury was not dealing with the specific facts like of the Jones case, but of some other peripheral case that might not even be admissible.

Rep. HYDE. The gentleman's time—

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

Rep. HYDE. The gentleman's time has 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 duplicitous behavior, 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 in the context of the jury testimony, what struck me was that in order to make that same very case against the president, you have to engage in legal hair-splitting 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 then, of course, as you have pointed out here today on several occasions, he denied, in essence, having sexual relations as it was defined by the Jones case. 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—it could be one of two. It could be when he denied having sexual relations and I've already addressed that, because he said, "I was defining the term as you judge told me to define it and as I understood it," which I think is a reasonable explanation.

The other is whether or not he touched her—touched her breast or some other occasion through her clothing, but directly. And he says, "I didn't," and she said, "I (sic) did," so it's who-shot-John. It's, it's, you know, it's on one.

The corroborative evidence that the prosecutor would have to have there, which is required in a perjury case—you can't do it one side of the room. You could bring a case with, you know, I say black, you say white—would be the fact that they were to gether alone and she performed oral sex on him. I think that is not sufficient under the circumstances of this case to demonstrate that there was any other touching by the president that wasn't—what he did to Ms. Lewinsky?

Rep. WEXLER. Well, Mr. Sullivan, I only hope that a vast majority of Americans have heard your answer right now. What this is about, at its worst, is the president making false statements about sexual relations and about where he touched Monica Lewinsky?

That's what the alleged perjury is about. I hope I am not misstating what your answer was.

Mr. SULLIVAN. No, you're not. What the other side is saying is that perjury in any regard is so important that the president oughtn't to engage in it, and we can all probably agree with that. The issue for you is whether or not it justifies impeachment.

Rep. WEXLER. I agree. So it's about sexual relations, and it's about touching. And now we are about to impeach a president because we think he gave false answers about sexual relations and about touching. How does it ever have to be said? How many times do we, the Congress of the United States, have to now set up a standard that says the president makes a false statement about sexual relations and about touching, and now we are going to impeach him?

Thank you.

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

The gentleman from Arkansas, Mr. Hutchinson.

Rep. ASA HUTCHINSON (R-AR). The investigation was opened up because of a concern about an attempt to obstruct and suborn perjury. And now we are about to bring a president to a court that had a right to bring a suit, that the courts determined had a right to bring a suit, was pursuing that. And our review is looking into those allegations of obstruction of justice and perjury.

There are some questions raised about whether Monica Lewinsky is truthful or not, and I think that's a legitimate question that can be raised. But I think she does have an incentive for telling the truth.

I have here before me the immunity agreement which Mr. Clinton has seen before, and these witnesses have seen before, as well, that said that if Ms. Lewinsky has intentionally given false, incomplete or misleading information or testimony, she would be subject to prosecution for any federal criminal violation. And so certainly she has immunity, would you agree, Mr. Sullivan, but if she does not tell the truth, then she would be subject to prosecution.

Mr. SULLIVAN. If that's the standard use immunity agreement, that is correct.

Rep. HUTCHINSON. Now I believe, Mr. Sullivan, going to your testimony, you talked about prosecutions for perjury are relatively rare. And yet the United States does not do it generally in pursue of civil litigation.

And we got the statistics for federal prosecutions. And I think Governor Weld mentioned this, that he didn't believe that they were that rare.

And in fact, in 1993 there were more federal perjury prosecutions by United States attorneys than there were kidnapping prosecutions. I don't think that means that kidnapping is not significant. In '94, the same fact was true, there were 64 perjury prosecutions—("93937)—than there were kidnapping prosecutions. The same in '95. It's really a pattern that goes back to the 1980s. And I think it's fair to say that perjury prosecutions from the staff that did such great work, but talking about United States attorneys prosecuting perjury
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 did find one in Illinois and in the first case, the country didn't want to be the impress of a case in which U.S. attorneys prosecute perjury in civil cases.

Now, I agree with your point that sometimes the standards are behind it. 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 correctly—

Rep. MURPHY. Yes. Yes.

Rep. HUTCHINSON. 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 is 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 to—what was it? To—what was the past. 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 person who's being accused of having in his lifetime sexually harassed a woman, is that a material statement in the civil case, invite your questions?

Mr. DAVIS. Well, I think, you know, the issue is—I don't think, I don't think—believe it is, because—

Rep. HUTCHINSON. The question is, is it material?

Mr. DAVIS. No, I don't think it's material, because it would violate 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 one case?

Rep. HUTCHINSON. 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 J one case.

Rep. HUTCHINSON. Does anyone disagree that that was a material statement?

Do you disagree, Mr. Noble?

Mr. NOBLE. I'm sorry, maybe I misunderstood that. And 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 represented someone who had been sexually harassed?” And the person said “Yes” and then the court found that to be material, I believe it would be material.

Rep. HUTCHINSON. 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.

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

The gentleman from New Jersey, Mr. Rothman.

Rep. STEVE ROETHMAN (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 to some extent. But I don't know how to say that. Mr. Craig said that he was going to be present with some factual rebuttal to the factual arguments made by Mr. Starr. As I've read the 594 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-
Do you think that the amount of the settlement reflects some of that? It was—

Mr. Sullivan. Well, I think that Ms. Jones initially took that position in light of all the facts, including the facts that we are now talking about today.


Mr. Weld. Well, politically, I guess, I had anticipated that that might be the subject of negotiation before the votes were taken. I was trying to think of things that would mark the solemnity of the occasion, and I certainly just in the dignity of the House and its role, having the sole power of impeachment. And it would say to the American people there has been justice here, this person, this proceeding has been short of being removed from office, which I think we've kind of slid by that one.

But the fine, the written acknowledgment of wrongdoing and remorse to future criminal prosecution, as well as a censure, and a Starr report as the committee or the House wished to put on the public record in perpetuity, those are things I could think of to mark the events.


Rep. Barrett. Thank you, Mr. Chairman.


Mr. Christopher B. Cannon (R-UT). Thank you, Mr. Chairman.

I would like to begin by thanking this panel today for their thoughtful and important issue, and I think your presence has added weight to the issue. And 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 Mr. Delahunt and with the comments by Mr. Sullivan, that the essence of the rule of law lies in the technicalities, and the technicalities are very, very important to us here.

Now, I'd like to refer to some 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 the first is that there was the suggestion that the person who administered the oath to the president may not have been authorized to do so. I think that 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 and I don't read the rules, but I think the perjury ultimately has to be quite clear.
the distinguished former governor of Massa-
chusetts, whose service to our country I have
long admired and thank you for to this day. 

Gentlemen, let me start off by saying that I’ve
never been a recency-thriving member among
the panelists over the last few hours. The
first one, with the exception of Governor
Weld, one generally is a prosecution.
The second one is the statement
made over and over that somehow the state-
ments made by the president were not mate-
rial, evidence under cross-examining
and being here. I must tell you, I take exception to both of
those claims.

In the federal government since Bill Clin-
ton became president, for every single,
federal trial that they’ve been sentenced for perjury.
In my own state of California, since Bill Clinton be-
came president, some 18,000 perjury prosecu-
tions have occurred. And so I just don’t
know where this novel claim comes from that this
is a crime that is ignored by the courts. The
record simply does not reflect that.

A case raised the name of Dr. Battalino and there were some blank
stares by members of the committee. Let me share you a story about Dr.
Battalino. She was here a week or so ago and testified before this commit-
tee. She was a doctor who worked for the Veterans Admin-
istration. She told me about the capacity as a V.A. physician, she had a
one-time consensual relationship, sexual rela-
tionship with a male patient of the hospital,
but not her patient. He later sued the hos-
pital for a sexual harassment claim and
named her in the claim. She was asked in a
civil deposition whether she had ever had a sexual
encounter with this patient. Out of embarrass-
ment and out of concern for her job and her
career, she denied it.

The civil case was later dismissed—the
gentleman’s case against the hospital and the
doctor was later dismissed. Despite that
dismissal, the Clinton Justice Department filed
perjury charges against her. She is now
precluded from practicing law as a result of
her conviction. She lost her medical license
and is under incarceration. She appeared before this
committee on the issue of the breach because she is
under house arrest.

You might imagine that Dr. Battalino has some
more specific evidence from leaders around
the president does not have the trust of the
people. But that’s the minority opinion. I’ve
said before, impeachment without outrage
and some questions for the panelists here.

Mr. Chairman. I have a couple observations
before my time expires.

Rep. HYDE. The gentleman from South
Carolina, Mr. Lindsey Graham (R-SC), Thank you,
Mr. Chairman, I have a couple observations and
some questions for the panelists here. And
please understand that when I vote, I will
look at it in a very legal sense. I don’t be-
due to the nature of what’s going on that there’s a
statement that doesn’t meet certain legal standards. And I
just happen to disagree with you whether or not this is a provable case of
perjury. Some of it is, some of it is not. I think there’s not a case of
perjury, and it’s not just about intimate touch. It goes much further. And I can’t
explain all that in five minutes. I’ve seen the
president’s deposition in Paula Jones where he
-testedified. I saw Mr. Bennett lay the affidavit of Monica Lewinsky in front of the presi-
tent. I saw the president’s eyes follow the af-
davit with a look of considerable "I can’t
believe this". This is a grand jury testimony where he said he wasn’t pay-
ing any attention is a lie. And I believe I
could convict him with fair-minded people.

But this is just about the law. It’s about the national interest. And I’m
a politician. And there’s a unique political aspect to this. It’s probably good. I’ve
said before, impeachment without outrage should not happen. And it should be
in a democratic society. But let me tell you the mood of my district to let you know a little
bit about what I’m up against here.

The Washington Post sent, apparently,
four reporters to the four corners of the
country to my district to find out how people feel about the president and his
presidential misconduct. There is a portion of my district, very good friends of
mine, who want to get this over with and under-
stand this. In their mind, it doesn’t rise
to the level of overturning an election.

And I think what they ought to do is wait
out what people thought about the president.

Rep. GRAHAM. Thank you. I yield back the balance of my time.

Rep. HYDE. The gentlelady from California, Ms. Bono,

Rep. Mary Bono (R-CA). Thank you, Mr. Chairman. And to my panel,
thank you, first and foremost, for your patience. I woke up this
morning and I thought, What do I get to do today? And question top—five of the top
attorneys in the entire country. What a great way to start off my day.

I want to ask you a question, Governor Weld, to begin with, and it’s a follow-up to
something that Congressman Coble has asked earlier on. You discussed how you had
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Rep. GRAHAM. Thank you. I yield back the balance of my time.

Rep. HYDE. The gentlelady from California, Ms. Bono,

Rep. Mary Bono (R-CA). Thank you, Mr. Chairman. And to my panel,
thank you, first and foremost, for your patience. I woke up this
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Rep. GRAHAM. Thank you. I yield back the balance of my time.
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. Well, you know, we 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. I'm sure you've done it. I'm sure you don't think, doing the right thing on a lot of stuff. So I don't think it should be follow-up. It's a question of ability to discharge the duties of the office, 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 then? It's not so much what we have that we can't—we have to sort of guess. Will it be there? And I'm sort of hearing, as you're saying, too, I guess you're echoing what we've heard, too. Is there any today, tomorrow? And we on this committee cannot have that. We have to decide, will the public trust be there a month from now when Osama bin Laden rears his ugly head again?

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

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, we're here because of the president's, sort of, sort of, sort of, head of a pin. As Lindsay (sp) would say, over the definition of sex, and oral sex was omitted from the description before the Paula Jones testimony. But there were those who say from you've been sleeping with somebody, and I know you were trying to sort of elude references to salacious 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 moment, 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 yield to Mr. Conyers.

Rep. CONyers. Well, I wanted to take a few minutes on the reservation that I had earlier.

Rep. HYDE. All right, well, you're recognized for——

Rep. CONYERS. I'll move as quickly as I can, and then thank you. I just 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 assume that you can come forward here because you are fact or expert witnesses. But I did want to very quickly comment on Dr. Battalino's case and Mrs. Parsons's case. Dr. Battalino's presentation perjury went to the fact that she was attempting to reclaim monies for litigation costs. It was insurance fraud, if you will. That went to the heart of the issue of perjury. Justice prosecuted her. And you were unfairly asked about it.

Pam Parsons was accused of being a lesbian. She was a plaintiff and sued the newspaper that accused her of such and lied that she was not. And there was definitive or definitive guilt here. And so it went to the heart of the cases. And I think it's important that we clarify the record on those grounds. I thank the gentleman. I yield.

Rep. CONYERS. Mr. Chairman and members of the committee, and to this very much-anticipated panel; this is a critical phase of the hearings. And it's helping us to recognize how the experts on this panel, seasoned and experienced prosecutors all, which Mr. Starr acknowledged that he was not, would have rejected his criminal case against the president, based on Mr. Starr's allegations, if he were an ordinary citizen.

It's critical that part of our hearing to understand the vast difference between the allegations being considered by the committee and the system of criminal justice that applies to the ordinary citizen, who had faced even a criminal prosecution based on the allegations in the referral—how can we justify considering the rarely used remedy of impeachment for the same conduct? If no ordinary citizen would face a criminal prosecution based on these allegations, how can it be argued that we would be imposing on the president a legal test above the law? If no ordinary citizen would face a criminal prosecution based on these allegations, why should we bother to take the Senate and the chief justice of our highest court, to spend months resolving undifferentiated and trivial questions of fact, rather than in tending to the important business of the country? I hope these questions raise serious issues and reservations for all of my colleagues in the committee about the wisdom of proceeding on the path that we apparently are on.

May I acknowledge the chairman of this committee's accommodations that he has offered me concerning prompt notice to all of my colleagues and Republicans. But I was wrong.

May I reiterate my strong view to the Republican leadership that fairness dictates that the American people not be muzzled on the all-important issue of impeachment. Ovewhelmingly, the American people that we have referred to, we've tested in the districts and the nation, do not want the president impeached.

Our citizens either support doing nothing, under the theory that the president has already been censured, or they support an additional congressional censure. But the important point is that for the vast majority of those who do not want an impeachment, a six-month Senate investigation with all of the attendant expenses, and economic turmoil, for all of those who want a proportional and sensible alternative shouldn't be muzzled.

And so your testimony here and this panel may well be the most important that we will have because you have dealt so significantly with these fact questions that have been troubling us. And thank you, Mr. Chairman.

Rep. HYDE. I thank you, Mr. Conyers, and I want to say that I, too, deeply appreciate the presentation which was substantial that you've made to some of our knowledge on this very difficult question. You've all been enormously helpful, highly qualified, and you've made a great contribution.

Now, we should take a 30-minute recess, but before I reach that happy point I yield to Mr. Jackson Lee.

Rep. JACKSON LEE. Very briefly, Mr. Chairman, I'd like to submit into evidence of this proceedings the Constitution of the United States.

In particular, there is no prohibition on censure noted in the Constitution of the United States. I'd like to submit this into the record, Mr. Chairman.

Rep. HYDE. Well, certainly, without objection, even though ours is a government of delegated powers. But, nonetheless, your motion is granted.

Rep. JACKSON LEE. I thank you very much, Mr. Chairman, I appreciate it.

Rep. HYDE. Thank you.

Rep. BONO. There is a concern, right? Thank you.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin. (Mr. Barrett) a distinguished member of the Committee on the Judiciary.

Mr. BARRETT of Wisconsin. Mr. Speaker, I am the junior member of the House Committee on the Judiciary, and this is the first time that I have testified. On the first time, I honestly felt that we would be addressing this issue not as Democrats and Republicans, but as Americans. I was so naive I did not even think that we would be sitting along our normal spots as Democrats and Republicans. But I was wrong.

But I entered that room with hope, and I want to leave today with hope because I have tremendous confidence not only in this institution but this country.

I begged from the first hearing on that we not allow this process to become what it has become because I fear for this institution. We are consuming ourselves. We are lowering the respect for our democratic institutions in this country by what we are doing today.

This is the great tragedy. The tragedy of the loss of the presidency for Bill Clinton would be a personal loss. The tragedy of the loss of two Speakers is a personal loss. But the greatest tragedy is if the young men and women in this country do not respect this government, because if they do not respect this government, we all lose.

That is why, Mr. Speaker, I tried time and time again to offer an olive branch, to say to my colleagues, please, let us recognize that the President's actions were wrong, because they were very wrong; let us recognize the gravity of what we are doing; let us recognize that after he leaves office he should remain above the law to appropriate criminal and civil remedies. But, Mr. Speaker, I beg that we move on because I could see no good coming from this for our country, and I stand here...
All should ask the question: Today is a very sad day for this House.

From Georgia (Mr. LEWIS), the minority leader, the people?

This is a vote of conscience. But what is 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 sins, 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. CONYERS. 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.

Earlier 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 leader.

Mr. LEWIS of Georgia. Mr. Speaker, today is a very sad day for this House. This morning, 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.

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 revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, those of us who are sinners must feel especially wretched today, losing the gentleman from Livingston (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 doing 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, in fact, witnesses, do 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 false, elevate me 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 him 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 River, in our city, they will have 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 given them the opportunity to call them and cross-examine them. I think that is a little short of the mark.

Lame duck? The cry was, get this one 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 are not living in a society that is being used 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, shreds, minimizes, the sanctity of the oath, then justice is wounded. I do not care on that side are 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 in the 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 he 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 false testimony in the Jones civil trial broke, he continued to gather 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 that Morris said, “Well, we just have to win, then.” And so it was, 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.

“You do 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 so, he was not held to an oath of court. In fact, some even claim the President’s statements do not amount to perjury.

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 set out 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’ suit from going to trial and just decided in court on whether her civil rights had been violated by the President. Each of us would expect that our grievance 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 Constitutional 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, 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 pollute the atmosphere. The 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 are opposed to the 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 a 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 executive branch, 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 in my 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 the ruled. Part of this sacrifice for the people he 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 and is no longer entitled to the respect and trust that the public has a right to expect from him as their President.

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 seek my conscience. I have regrettably 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 concluded that the charge of perjury before the grand jury is substantial by any standard of conduct. The President must abide by the same laws as every other American.

In making my decision, 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 the 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 arise 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.”

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 fail our law and our test.

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. WISE. 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 intolerable, 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 Kenneth Starr rather than inter-viewing 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—a crime comparable to treason or bribery. 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. This is the fairest way to approach this matter. 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 teach the truth. All Americans must tell the truth 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? Is a president who tells the truth but the truth? If the truth is lacking, justice can not 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 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 seen it as their duty to uphold the 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, working tirelessly to gain the highest office in the State of Arkansas, and finally, to gain 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 Republicans insist 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’s 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辂ation 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 out-rage’ by the Los Angeles Times. Further, he characterized the investigation of Col. Oliver North as a ‘witch hunt.’ What a difference a straight. We’re going to impeach the President for: 1. Defending himself (a.k.a abuse of power)?; 2. Hiring legal counsel (a.k.a. obstruction of justice?); 3. Hiring a perjurer (a.k.a. perjury?). The Constitution gives all Americans a right to privacy. Kenneth Starr has violated Bill Clinton’s right to privacy. That’s constitutional. The sexual affair is not the governments’ 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. Lyin’ 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. SPENCE. 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 decided without due consideration by the Congress of the impeachment inquiry that was authorized by the House. I agree.

It is clear to me that convincing evidence has been presented in regard to each of the Articles that have been referred by the Committee on the Judiciary. Accordingly, I support the Articles as stated in H. Res. 611. Mr. Speaker, I would also like to address the assertion that I have heard today that the consideration by the Congress of the impeachment of President Clinton, who is the Commander in Chief of our Armed Forces, would have a demoralizing effect on our men and women in uniform, especially while our Nation is engaged in military operations against Iraq. I speak from my firsthand knowledge of the impeachment inquiry that was authorized by the House. I agree.

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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 in summary:

Article I—President Clinton willfully corrupted and manipulated the judicial process, in that, he willfully provided perjurious, false and misleading testimony in response to written questions seeking information in a Federal civil right action, which was brought against him, as well as in a deposition in that action.

Article II—President Clinton prevented, obstructed and impeded the administration of justice through a course of conduct or scheme in a series of events between December 1997 and January 1998, as follows:

Article III—President Clinton prevented, obstructed and impeded the administration of justice through a course of conduct or scheme in a series of events between December 1997 and January 1998, as follows:

Article IV—President Clinton has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the Legislative Branch and of a coordinate investigative proceeding, in that, he refused and failed to respond to certain written requests for admission, as well as willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission. 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 decided without due consideration by the Congress of the impeachment inquiry that was authorized by the House. I agree.

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Mr. Clinton and his supporters do not care in the least about the health of our armed forces. Hateful of a traditional military culture they never deigned to study, Mr. Clinton’s general, homophobia, and racial activism friends regard the services as mere political props, useful only for showcasing patty identity group grievances. It is no coincidence that media have ignored one military scandal after another during the Clinton years. This politically-driven shift of focus, from the military mission to the talk of fringe questions, 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 unimportant. Particularly if an attentive Congress 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 was integrity-impaired, but I never thought even he could be so depraved, so contemptuous, as to conduct military business as described in the independent prosecutor’s report to Congress. In that report, we learn of a telephone conversation between Mr. Clinton and a congressman in which Clinton told us how he had dismissed our Branch’s employment. 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 President Reagan’s ill-fated Beirut mission led to the careless loss of 241 Marines in a single bombing, few questioned his love of country and his overriding concern for American interests. But should Mr. Clinton lead us into military conflict, he would do so, incredibly, without any such trust. 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—President Clinton is this president—who ignores national security interests, who appeases Iraq and North Korea, and who fights like a leftist Soviet who lacked an anti-missile defense—is, I truly believe in the need for immediate military strikes, was simply implausible. And no amount of scripted finger wagging, lip biting, or mention of The Children by this highly skilled perjurer can convince me otherwise.

In other words, Mr. Clinton has demonstrated that he will risk war, terrorist attacks, and our lives just to save his dysfunctional administration. What might his motives be in the conflict? To get back at Monica? Cheap political payoffs? Or—dare I say it—simply the lazy blundering of an instinctively anti-American man? It is immoral to impose such untrustworthy leadership on a fighting force.

It will no doubt be considered extreme to raise the question of whether this president is a fit successor, but I think it essential. I believe that Clinton will not believe presidential candidates should be required to undergo background investigations, as is normal for service members. I do know, for instance, 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. I am Marine reserve. 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 would not even be screened for such security report. We joked that my friend’s security clearance would have been permanently canceled if I had said to the investigator, “Well, he is smoking pot and leading protests against his country in Britain. His hobbies are lying and adultery. His brother’s a cocaine dealer, and oh, by the way, his own country deserted him for unknown reasons while his countrymen were getting killed in Vietnam.”

Do I believe Clinton is guilty of perjury? Perhaps it depends on the meaning of the word “this.” If Clinton were merely a spoiled leftist taking advantage of our free society, a la J. Ann Fonda, that would be one thing. But you don’t make an atheist pope, and you don’t keep a corrupt security risk as comman-der-in-chief.

The enduring goodness of the American military character over the past two centuries does not automatically derive from our nation’s nutritional habits or from a well-organized division of character roles that must be developed and supported, or it will die. Already we are seeing declining enlistment and a 1970s-style disdain for military service, questionable mass destruction during the purposeful 1980s. Our military’s heart and soul can survive lean budgets, but they cannot long survive in an America that would tolerate such a character as now occup-ies the Oval Office. We are entitled to a leader who at least respects us—not one who cannot be bothered to remove his penis from a subconscious mouth long enough to dis-cuss our deployment to a combat zone. To subject our services to such debased leadership is nothing less than the collective spit of the entire military.

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 Paula J. Jones and Kathleen Willey was bizarre and deranged—try keeping a straight face while watching mandated Navy sexual har-mony training, as President Clinton requested that the president’s own conduct violates historic service rules to the point of absurdity.

For a while, it was almost possible to laugh off the president’s innuendo-laden, “college protester” values. But now that we have clear evidence that he perjured himself and corrupted others to cover up his lies, Bill Clinton is no longer funny. He is dangerous. William J. Clinton, perhaps the most self-ish man ever to disgrace our presidency, will not resign. I therefore risk my commission, as our general counsel, to urge this Congress: Remove this stain from our White House.

For many years, it has been the practice of the Department of Justice not to bring perjury charges based on “he says/she says” swear-er testimony. That is not that President Clinton denied an improper, intimate relationship with Ms. Lewinsky. He admitted that rela-tionship, and the world saw his testi-mony on that point was impeached. If 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 with the intent to arouse or gratify her, and the presi-dent’s statement that he did not. Whether or not this is the case, President Clinton’s disingenuous feminist, homosexual and abortion activists, I believe that a case in involving this kind of conflict between two witness-ess would be brought by a prosecutor. This simply is not a perjury case that would be brought.

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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 we engage in the sad spectacle of leading 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 under the law. Justice 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 enter this 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 impeachment is to punish 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 approach this 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 foundation of our system of justice. 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 in 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—has 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. Impeachment proceedings 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 want this impeachment committed 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, "I am a man of integrity—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 Congress disagree 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 credence to this procedure against the President.

America is a great country. I hope this impeachment, 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 and should not be impeached.

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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 and should not be impeached.
I am extremely troubled by the far reaching implications and tremendously adverse outcomes presented by this partisan feeding frenzy should it succeed. I implore you and your colleagues 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 Ms. 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 Founding of the 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 swollen with power and grown tyrannical... This is not the case today.”

She also 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 I vote to return America to greatness.

Mr. HOBSON. Mr. Speaker, I will vote to impeach the President because by committing perjury he has subverted 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 before us indicates the Judicial 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 freedoms of the nation, endangering 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 over the last time I was 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 in 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 actions. 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.

I have heard a lot of talk today about the “rule of law.” I wish I could hear more talk about the “rule of fairness.” Why couldn’t we have debated and voted on Monday after the bombings ceased in Iraq? Why couldn’t the majority part let us vote on a censure proposal where all of us, those of us in the House of Representatives could vote our conscience?

Abraham Lincoln called this a government of the people, by the people, and for the people. The people have made it abundantly clear that they do not want to see the president impeached. Are we going to put aside their wishes in favor of partisan politics that have no place in this debate?

The Framers of the Constitution created the impeachment process, not as a punishment for the president, but as a protection for the American people against a chief executive whose actions would threaten our very system of government. There are other ways to hold President Clinton responsible for his actions: 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 was permitted to go on, which 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 impeachable? Or is it more expedient to subvert the 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, I quietly reflected and prayed 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 truly heal our nation from the injury it has sustained.

Nothing that Congress can do will restore the honor 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 last 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
exculpatory, since the President has repeat-
edly failed to acknowledge the full effect of his action, particularly the grave damage that his perjury caused to the rule of law on our con-
stitutional republic. Clearly, a censure resolu-
tion would not fully bring the President to ac-
count for the findings of the Committee.

In addition, our Constitution does not pro-
vide for censure. Some may argue that just
because the Constitution does not provide for it
do not means that it is unconstitutional. I
say that it is unconstitutional, and that there is
only one constitutional process.

Second Article of Impeachment: The President . . . shall be removed from Office on Im-
peachment for, and Conviction of, Treason, Bribery, Bribery, or other high Crimes and Misdemean-
ors.” If the President has committed such high
crimes and misdemeanors, our responsibility
is clear—impeachment is the one and only
mechanism that our Founders decided was
necessary to resolve the question of whether
a President is discharged of his duties under
the Constitution.

Let us consider the charges put forth by the
Judiciary Committee. The four articles passed
by the Committee make very serious charges.

Article I asserts that William Jefferson Clin-
ton willfully provided perjurious, false and mis-
leading 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 ac-
tion 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 impede the discovery of evidence
that led to his conviction.

Article II asserts that William Jefferson Clin-
ton willfully provided perjurious, false and mis-
leading testimony in response to questions in
a Federal civil rights action concerning con-
duct 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 employ-
ee’s involvement and participation in the civil
rights action; and his attempt to impede the
testimony of witnesses and to impede the
discovery of evidence in that
civil rights action.

Article III asserts that William Jefferson Clin-
ton 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 evi-
dence and testimony related to a Federal civil
rights action by encouraging a witness to exe-
cute a sworn affidavit he knew to be perjuri-
ous; encouraging a witness to give false testi-
mony; concealing, false and misleading affidavit;
and making false statements to a Federal
court judge characterizing an affidavit in order
to prevent questioning; related a false account
of an event to a potential witness in order to cor-
ruptly influence the testimony of that witness;
and made false statements to potential wit-
nesses in a Federal grand jury proceeding in
order to corruptly influence the testimony of
those witnesses, causing the grand jury to re-
celive false information.

Article IV asserts that William Jefferson Clin-
ton engaged in misuse and abuse of his high
office, impaired the due and proper adminis-
tration of justice and the conduct of lawful in-
quiries, and contravened the authority of the
legislative branch and the truth-seeking pur-
pose of an investigative proceeding by refusing
and failing to respond to certain written re-
quests for admission and willfully made per-
jurious, false and misleading sworn statements
in his response.

I think it is clear that if we study the evi-
dence with an open mind we will see that these
actions do qualify as high crimes and misde-
meanors. The President knows and his behalf the courts is abso-
lutely 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 “the laws are faithfully executed” as the
highest law of our country, be subject to these
important legal requirements.

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 dis-
agree with this. The days when it was ok for
male employers to hit on their female subordi-
nates, and then lie about it and not suffer any
consequences, are long gone.

We cannot have a different standard for the
President than for citizens. Any
harma, false and misleading testimony given in a Federal civil rights ac-
tion 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
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and making false statements to a Federal
court judge characterizing an affidavit in order
to prevent questioning; related a false account
of an event to a potential witness in order to cor-
ruptly influence the testimony of that witness;
and made false statements to potential wit-
nesses in a Federal grand jury proceeding in
order to corruptly influence the testimony of
those witnesses, causing the grand jury to re-
celive false information.

Article IV asserts that William Jefferson Clin-
ton engaged in misuse and abuse of his high
office, impaired the due and proper adminis-
mumbers.

In conclusion, we have always sought a higher standard,
that is the pinnacle of power and honor in
the nation. We have always sought a higher standard,
that is the pinnacle of power and honor in
the nation. We have always sought a higher standard,
that is the pinnacle of power and honor in
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the nation. We have always sought a higher standard,
that is the pinnacle of power and honor in
the nation. We have always sought a higher standard,
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 magistrate 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 misdeemors.”

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 find, 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.

History will find, 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.

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 character; the President took the oath with the full understanding that the President must 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, fostered the loss of the esteem 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 wrongly 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 agreed to accept this severe language.

We all agree that the President committed the proven offenses as the President himself said in his sworn testimony. Yet, based on a careful review of the record, with fair and open minds, we have concluded that the offences are not impeachable.

We have come to this conclusion 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 started as a sexual harassment lawsuit where the President was subpoenaed and required to tell the truth, just like any other defendant.

He made the decision to lie. In protecting himself from political and legal jeopardy, he deprived Paula Jones of her fair day in court. You or I would not have been fair in court and no less.

We have also been told that these hearings and this process were unfair and partisan. Partisan? Yes, the hearings were very partisan. It was very disturbing to watch the hearings as no Democrat came forward to work with the Republican majority. The partisan protection of the President at all costs will without doubt damage future Congresses. The process was fair to a fault. The Republicans allowed the President’s defenders panels of witnesses of their own choosing in a manner of hours. The Judiciary Committee allowed the President witnesses of his choice to defend his actions in front of Congress and the country. The committee offered the President an opportunity to appear in person, which he declined. Judiciary Committee Chairman Henry Hyde went beyond the norm to be fair.

Another desperate claim made by the President’s partisans is that impeaching and convicting the President would overturn an election. If the President is forced from office, his defeated opponent Bob Dole would not become President! Clinton’s own Vice President Al Gore would. Gore was elected on the same ticket as Clinton and would step in, as the Constitution requires. Of course including Ford included impeachment in our Constitution to remove a sitting President. There is never a good time nor the right time to conduct an impeachment and convict a President, but unfortunately it has become necessary.

When I had to make this very difficult decision I tried to put aside ideological and 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 oaths and false statements to a federal grand jury on multiple occasions, obstruction of justice, abuse of power, and false oaths to a federal grand jury on multiple occasions, obstruction of justice, abuse of power, and false statements to a federal grand jury.

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 there 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 multiple calls and letters and emails 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 requiring their painful disclosure, including experiences about children’s behavior. One man said it was the first time in fifty years that he moved to write to a public official. Their words...
have further impressed upon me the seriousness of this decision. 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 and 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 threatening his foundational truths 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 the 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 whether to continue as he was 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, and he was able to take 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 were not calculated to deceive the American people. His testimony before the grand jury was false and he repeatedly made grant jury was false and he repeatedly made statements in public and private that prevented the discovery of the truth. His false statements were contrary to the Constitution, he undermined our system and form of government about. I still hope that this matter can be resolved quickly to avoid unnecessary turmoil for the country. While it may not ultimately require that he be removed from office, I do require that the Senate consider this matter and reach a conclusion. I hope it can be done fairly and quickly in the best interest of the nation.

I hold no malice toward the President and I would far refer to vindicate him of these charges. While the President’s actions could result in criminal and civil prosecution, what has truly haunted the President throughout this matter is his repeated failure to tell 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 these actions as required by the Constitution.

Mr. LUTHER. Mr. Speaker, the United States Constitution states that “The President shall be removed from Office upon 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” 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 the Senate 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 one. 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 need to conduct this matter 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 Starr report, and Dick Morris polls, that President Clinton should not be impeached. It is almost certain that impeachment by the full House of Representatives would make a political martyr of the President.

But these are insufficient reasons for the House to avoid its duty. If the laws of this land have worth, if the office of presidency has sanctity left to protect, then the House must vote to impeach the President. His fate then will be determined by which court can, on trial and by a two-thirds majority, vote to remove him from office. 

Absence bold action by the congressmen and women who are supposed to represent us, 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 House is also set to vote on the fourth article immediately. It relates to the President's answers to 81 questions submitted to him by the Judiciary Committee. It is more an expression of the committee’s pique at the President’s evasiveness of the president’s answers than a real finding of wrongdoing. It comes closest to appearing petty political. 

The first two articles, in contrast, have abundant supporting evidence. They accuse the president of perjury. These relate to the answers he gave in grand jury testimony last January about his relationship with Monica Lewinsky. The third article, obstruction of justice, has to do with accusations that he tried to influence testimony of others by, among other things, his efforts to get Lewinsky a job. The intentions behind many of the facts here are at least debatable. 

What is beyond debate is Clinton's unyielding faith in his own ability to gleaze his exit from a knotty situation by the application of slick words. He remains a believer in a small truth—the precision of his own language—rather than the larger truths that his words defy. 

This is not Watergate, his defenders cry. But new Constitution says that Watergate is the standard for impeachment inquiries. It is merely one other case from history, with its own set of facts and its own kind of impeachment. It is no less important to the nation’s citizens. 

Impeachment is not the will of the people, other defenders say. But the people did not have this set of facts before them when they re-elected Clinton. They had only his word about Gennifer Flowers—which we now know to be a lie—when they first elected him president. And those are snapshots in time, framed by the way questions are asked and by the choices given to respondents, and are unreliable guides. 

Remember that Dick Morris had told Clinton many months ago that his own polls showed that the people would forgive adultery, but not perjury. 

Impeachment on charges of lying about sex trivializes the process, others say. Remember that this is the most powerful man in America and an intern on his staff. That inherently abuses the power of office, a point on which many male and female feminists are largely silent. 

On the contrary. Failure to hold a president accountable for his misdeeds and the lies about them trivializes the law, the presidency and the meaning of truth. If it’s possible to debase them more than Clinton has already, it’s time for the House to take the next step to clean house. 

Mr. TANNER. As such, I cannot accept, short of a declaration of war, a U.S. Representative can never be called upon to make a decision requiring more solemn thought than to vote on articles of impeachment against the President of the United States. Other than voting to send our troops into harm’s way during Desert Storm, this is the most somber responsibility I have been asked to address. Therefore, I would ask for the opportunity to share with you the careful deliberations I made before casting our district’s vote on impeachment. 

Like some, I am repulsed by the President’s actions which were immoral and sinful. It is impossible to think of what the President has done without stirring up emotions in all of us. However, I also have a responsibility to the oath I have taken to defend and protect the Constitution. As such, I cannot simply to follow the immediate impulses of my emotions and moral convictions, but must also be cognizant of the Constitutional and historical consequences of this decision on our form of government. 

The Constitution is simple and straightforward, yet it still lends itself to interpretation. Accordingly, from time to time it becomes necessary to turn to the writings and records of the Constitutional Convention of 1788. It was at this convention that our basis of government was formulated. George Mason, who proposed Article II, Section 4 (the impeachment clause) of the Constitution, defined “treason, bribery and other high crimes and misdeeds” as “great and dangerous offenses.” Mason wished to subvert the Constitution. To the contrary, the historical debates suggest that impeachment, or any other Constitutional process for that matter, be used to prosecute a President. Rather, they held that 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 the President is not accountable to the criminal justice system for all crimes which fall short of the “great and dangerous offenses” or “attempts to subvert the Constitution” standard for impeachment. To the contrary, the historical debate suggests the framers intent was that the Chief Executive be accountable to the criminal justice system for all crimes that do not meet the high threshold for impeachment. 

As the statute of limitations will not expire before the President leaves office, it will be impossible to prosecute him for any other alleged offense. It convicted, he would still be subject to imprisonment and/or fines, just like you or me, as he should be. During the Watergate hearings, the standard for impeachment was defined as “a Constitutional remedy addressed to serious offenses against the system of government.” Several Republican Members of the committee in the minority report, argued for an even higher standard of judgment, saying in their report “The President should be removable by the legal branch only after serious misconduct dangerous to the system of government established by the Constitution.” 

For example, President Nixon was found to have cheated on his federal income taxes. On July 30, 1974, the Committee considered an article of impeachment against then President Nixon knowingly and fraudulently failed to report certain income and claimed unauthorized deductions in the years 1969, 1970, 1971, and 1972. They concluded that President Nixon lied by signing a false income tax return. After debate by the Judiciary Committee, the Constitution provided for a trial before the Senate of Impeachment. While this action by President Nixon was a crime, the Judiciary Committee found that it
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 too low a threshold for impeachment will almost certainly jeopardize the viability of the presidency. We must take great care to ensure that the long-term consequences 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 called 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 be impeached for perjury? Any political enemy could bring a lawsuit against a future President and go through the whole 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 should be guided against 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 actions were despicable. 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 find the truth. During this process, I have carefully monitored the Judiciary Committee hearings, thoroughly analyzed the Republican and Democratic Committee recommendations, and personally read the Special Prosecutor’s report and the President’s rebuttals before reaching my decision. As I did with the inquiry vote, I have approached this matter in a non-partisan, open and fair-minded manner.

It is clear from the inquiry that President Clinton’s actions were immoral, harmful to our nation, and deserving of serious moral and legal rebuke. Not only did the President engage in morally inappropriate conduct, he also lied to the American people and perjured himself before a grand jury. He must be held morally and legally accountable by Congress on behalf of the American people, and legally accountable in full for his perjury by the courts after he leaves office, just like any other American would be held accountable for perjury.

Our Constitution, however, authorizes impeachment only for “treason, bribery, or other high crimes and misdemeanors” (Article II, Section 4) which is why I urge my colleagues to oppose impeachment and allow us an opportunity to vote on a Resolution of Censure.

The greater question of law and scholarly judgment is that the impeachment clause is intended to cover offenses that involve the misuse of Presidential powers. As Supreme Court Justice Joseph Story made clear in the earliest days of American jurisprudence, “[i]mpeachable offenses are committed by public officials in their official capacities and duties . . .” 2 Joseph Story, “Commentaries on the Constitution,” Sec. 744 (1st ed. 1833), emphasized supplied. While President Clinton clearly engaged in morally and legally inexcusable behavior, his misconduct was personal in nature and did not involve his Executive authority. His perjury before the grand jury pertained to his personal life, and could well have been committed by any individual; it did not entail the power or privileges of the Presidency. Accordingly, President Clinton’s misconduct does not meet the threshold of “high crimes and misdemeanors” necessary to impeach him. That doesn’t excuse his conduct or imply that he should go unsanctioned; it simply means that the punishment for his offense should meet and be appropriate to his wrongdoing.

The distinction between misconduct related to government duty, which is necessary for impeachment, and non-impeachable misconduct related to personal activity, was once previously before the Congress, when President Nixon knowingly filed a false tax return. The filing of a false tax return is an incident of perjury and, therefore, a very close precedent for the current situation. In 1974, the House Judiciary Committee recognized the difference between “government” and “personal” wrongs and informed its House of Representatives of its conclusion that impeachment for President Nixon’s perjury precisely because it was a form of personal misconduct. The articles of impeachment that were filed against President Nixon were for actions that went to the misuse of presidential power (i.e. subverting the FBI for political purposes).

Those supporting impeachment make the argument that because the President has a duty to “take care that the laws are faithfully executed” (U.S. Constitution, Article II, Section 3) his perjury was, specifically because of that delineated duty, not merely personal but also technically public. That interpretation, however, disregards the inherent connection between the nature of the offense and the terms of the impeachment clause. The impeachment clause explicitly pertains only to “High” offenses (i.e. offenses involving the misuse of Presidential power or heinous acts), not those other offenses that are committed—as in this case—in an individual, not governmental, capacity.

During this extremely difficult time, it is our responsibility to remain especially vigilant in upholding 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 with the president, will any of us personally threaten the presidency? If I certainly do, I would find it difficult to use this as a basis for impeachment.

However, we are not here today to judge the President on the basis of his personal behavior. We are focused on his cover-up of his sex scandal and his personal duties. If that’s what the President is a basis for impeachment. It is also critically important to realize that if we fail to hold the truth sacred, justice cannot prevail. Anyone who has felt that it is misleading, lying or perjuring, but if not. We can get nowhere in a non-partisan, open and fair-minded 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 before. 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
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 Constitution.

I have tried to weigh my decision "according to the pressures that have been placed on us by the American people in November, 1996 and for the highest good of the country." 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 burden than the no-compromise decision to impeach the President. I have now had the opportunity to personally review the work product of the Committee and to question the Committee members.

I regret the highly partisan manner in which the impeachment of the President has been presented to the American people. I have said, from the beginning of these proceedings, that I was concerned that the process might fail to meet the test of time. Many citizens unfortunately will wonder and even be convinced that this is a Republican effort to oust a Democrat president. This belief increases the cynicism already prevalent in our political process.

For this reason, I again read the Judiciary Committee report, discussed its provisions with Committee members, consulted the Constitution, inquired of many Kansans, both Republican and Democrat, whose judgment I value, and reviewed my basic beliefs of right and wrong. I am compelled to vote for articles of impeachment.

Having made 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 telling the truth matters, and that we should expect our public officials to conduct themselves in compliance with the highest ethical standards.

It is clear that President Clinton on numerous occasions lied to a federal grand jury, lied in a civil proceeding affecting the civil rights of an American citizen, and orchestrated an attempt 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, but when the truth hurts, we all know we have no choice, and if we lie, we know we suffer the consequence. We learn this as children, 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 overt acts to obstruct justice are serious and felonious, and they tear at the essential foundation of our judicial system. His actions were part of a pattern of conduct over many months and not a mere moment of poor judgment. It is our duty to the American people to be honest about the truth. The President's actions do not conform to the oath of office he took as the chief law enforcement officer of the United States, and he has broken his oath. The President is the chief law enforcement officer of this country, and he has violated that oath.

I have tried to weigh my decision "according to the pressures that have been placed on us by the American people in November, 1996 and for the highest good of the country." I have now had the opportunity to personally review the work product of the Committee and to question the Committee members.

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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 does 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. Look into 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 first Framers, I must focus in Federalist #65 as “the misconduct of public men.” The virtually infinite spectrum of potential wrongdoings that may—using the words of Chief Justice John Marshall, the third President of the United States of America and the founder of the Democratic Party, Mr. Jefferson, it was 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 #55 as “the misconduct of public men.” The virtually infinite spectrum of potential wrongdoings 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 does 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 to be able to make this determination. In 1828 where he defined “misdemeanor” as, “ill behavior, evil conduct, fault, mismanagement.” He also included the definition given by the individual most influential on this process of prudence the American people.

“In law, . . . the word crime is made to denote offenses of a deeper and more atrocious dye, than those compelled by their conscience to vote for conscience sake, in order to save that conscience with a vote for impeachment of President William Jefferson Clinton.

In conclusion, I will vote for all four articles of impeachment outlined in H. Res. 611 of the 105th Congress because my conscience compels me to consider the facts as they have been presented and render the judgment obligated to me by my oath to... support and defend the Constitution of the United States....

Mr. SMITH of Texas. Mr. Speaker, our Constitution tells us: “The 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 Nixson impeachment proceeding, “It is wrong, I suggest, it is a misunderstanding of the Constitution for any member here to assert. If 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, assuring 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’s phrase “to answer the charge” and “to all civil officers of the United States” refers to 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 and 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, principled over politics.

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, as many Democrats now are.

We should not underestimate the gravity of the case against the President. When he put his hand on the Bible and recited his oath of office, he swore to faithfully uphold the laws of the United States; all laws; all laws.

Many people have gone to jail for doing what the President did—lying or knowingly making false statements after swearing in court not to do so. However, others have not been brought to court, because they failed to tell the truth.

So, if the President were just an ordinary person living in the United States, it is not certain that he would be found to have committed a crime.

What, then, makes this a case that rises to the impeachment level? I think there are two factors: the repeated and deliberate nature of the lies, and the uniqueness of the Office of the Presidency.

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 Representates, November 19, 1998)

During this time, not only did the President tell a judge and then a grand jury less than the truth, but he told lies to the American people, the news media, Members of Congress, his Cabinet, and senior White House advisors.

One of his own 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 was telling the whole truth, slyly, and watched his official spokesperson, employees of the U.S. government, mislead the country again and again and again.” (Column by George Stephanopoulos, Newsweek, August 31, 1998)

The President himself, when he was a law professor in Arkansas, defined an impeachable offense this way: “I think that the definition should include any criminal acts plus a willful failure of the president to fulfill his duty to uphold and execute the laws of the United States. Another phrase that I think constitutes an impeachable offense would be willful, reckless behavior in office * * *.”

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 has 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 now are heartbroken! (Letter from Kara Kothmann, November 17, 1998)

The President sets an example for adults, too. When he took the oath of office he swore to “preserve, protect and defend the Constitution of the United States” and to “take care that the laws be faithfully executed.” The President has rightly been called “the number one law enforcement officer of the country.” (Leon Jaworski in “The Right and the Power.”)

As such, he has a special responsibility to “take care” that he not commit any crime, particularly such a serious one as perjury, a felony for which a person can go to jail for up to five years.

When someone is elected president, they receive the greatest gift possible from the American people—their trust. To violate that trust is to raise questions about fitness for office. My constituents often remind me that if anyone else in a position of authority—for example a business executive a military officer, or a professional educator—had acted as the evidence indicates the President did, their career would be over.

A body of which President Nixon would have been tried for impeachment, had he not resigned, contained this statement: “The office of the President is such that it calls for a higher level of conduct than the average citizen in the United States.” (Drafted in 1974 by a majority of the American people, a staff attorney of the Judiciary Committee.)

The President has a higher responsibility for another reason. The Arkansas Rules of Conduct for attorneys states that “lawyers holding public office assume legal responsibilities going beyond those of other citizens,” because they know how important the rule of law is to a stable and civilized society. And the President doesn’t hold just any public office, he holds the most powerful one in the world.

It is for these two reasons—the President’s position, and the repeated efforts while under oath to tell less than the truth, and the special responsibility that comes with holding the highest office in our country—that I feel the President’s actions have reached the level of impeachable offenses.

I have been surprised by the assertion of the President’s defenders that we should not impeach him for his actions because it would set a precedent.

If our actions send a message that future Presidents should not lie under oath, they should truthfully tell the truth, the whole truth and nothing but the truth—as President Clinton swore to do when giving testimony before both a judge and then a grand jury; that future Presidents should uphold the law—as President Clinton swore to do when he took the oath of office as President; that future Presidents should not obstruct justice—as President Clinton did for seven months as he admittedly deceived the American people and those associated with the investigation * * * if these are the prece-dents Congress sets, if these are the stand-ar ds the Presidents then live by, we need not fear our actions.

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 should insist on these high ideals. That the President has fallen short of the standard doesn’t mean the truth should be ignored. 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 me quote another insightful letter from a student in that same sixth grade class: “This person knows,” it 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-
ning.”
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 points, 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 support 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 Iraq 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, the Washington Post: “As long as
Saddam rules, the U.S.-Iran conflict will con-
tinue. Either his military has to be hurt so bad-
ly it will turn on him, or dissent 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
removal of Saddam Hussein from power. I will
not speak to the matter of Saddam Hussein’s
personal character, as that is a matter of 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 pundits are suggesting that we
should short-circuit the impeachment
process or simply shunt the matter aside
in order to hold ratings. But we in Con-
gress have an obligation to do exactly the op-
posite. That was our duty before the election
and it continues to be now. Our oath of of-
fice requires no less. Our sworn constitutional
obligations may be onerous, but we cannot
abdicate our responsibilities because what is
popular is not always right, and what is right
is not always popular.
My responsibility is to inform and hold pub-
lic opinion 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 Mr. 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-
mint to your opinion.”
A few thoughts on the impeachment proc-
ess itself. The House is charged by the con-
stitution to impeach the president. The presi-
dent should be impeached. Judge Starr’s re-
ferral under the Independent Counsel statut-
es 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-
peachment will be filed. That is still 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 importance in a serious, solemn and ob-
jective 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
the advice of legal leaders like former Presi-
dents Gerald Ford and Jimmy Carter, former Vice President Dan Quayle, and Bob Doile, who, because of their unique
experiences, had valuable insights and per-
pective 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-
ferral 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 I am voting in 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
careful 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-
cceeding. He has thereby violated his fund-
damental constitutional obligation to take care
that the laws be faithfully executed. He has
flouted 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
equally 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 constitu-
tion and the criminal law, and avoid accountibility, what are the consequences for ordinary Americans?
Do we want to establish the precedent that
presidents may with impunity hold the law in

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CONGRESSIONAL RECORD—HOUSE
December 19, 1998
Impeachment all dealing with President Clinton's conduct during his tenure as President is serious, and urged others to obstruct justice. These are serious felonious acts that strike at the heart of our judicial system. 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.

This duty is required by the unique system of checks and balances that has made our system so strong. This concept, born in Philadelphia in 1787, has served us well. It has served us well because the representatives of one branch of government cannot subvert the others. The President can be allowed to subvert the judiciary or thwart the investigative responsibility of the legislature.

There is clear evidence that President Clinton committed perjury on two or more occasions, and urged others to obstruct justice. These are serious felonious acts that strike at the heart of our judicial system. 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.

The House Judiciary Committee, after a month of hearings, returned four Articles of Impeachment all dealing with President Clinton's statements made in a civil trial deposition, to a federal grand jury his actions with others who were likely to testify and in his response to the committee's inquiries. This is not about the President's personal conduct, it is about the President's conduct under oath. It is about the President's prior action, his lies and his unwillingness to cooperate with the legislative investigation of that failure; it is about the rule of law.

The President's actions and statements have brought the country to this difficult decision. The vote today holds great consequence for the President and the constitutional process. This is about determining the facts, seeking the truth, and giving the President the forum to rebut the charges against him. The duty of the House of Representatives is to determine if sufficient evidence exists to proceed with a trial in the Senate. The House Judiciary Committee has met that burden. After reviewing the material gathered by the Judiciary Committee and the corroborated nature of hard evidence, it is my conclusion that the allegations against the President warrant a formal trial in the Senate.

Many of my colleagues advocate some other punishment for the President. They say for the first time in the history of the United States the Congress should censure the President. Censure would set a dangerous precedent for the removal of former presidents and successors. The Constitution prescribes one option for the Congress which is to determine whether the President's action is impeachable or not. Today, you could censure the President for bad conduct, five years from now another Congress could decide the President for a 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 parliamentary 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 public opinion polls or by political expediency. 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 and the country.

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 it has been 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 dependant 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 noteworthy events. The Clinton Administration has been embroiled in inappropriate and potentially illegal actions and the Special Prosecutor has been investigating these events for nearly six years.

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, but has been overly broad and obstructive to 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 indicate the public is not inclined to remove the President from office nor reward the Republicans for their efforts to investigate the Lewinsky affair. It is quite possible as many have suggested that the current status of the economy has a lot to do with this tolerance.

The public’s acceptance of the President’s behavior may reflect the moral standards of our age, but I’m betting there’s a lot more to it. 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 loss of liberty. 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 strong nation are necessary, but our 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 is perpetuated through ever higher taxes is an unrealistic concept.

The “sympathy”, if that’s what we want to call it, for the President reflects the instinctive nature of most Americans who resent the prying eyes of big government. It’s easy to reason: “If the President of the United States can be more closely supervised and FBI ordered tape recordings, how can any of us be secure in our homes and papers?”

The ambivalence comes from fear that demanding privacy, even for the President, means that his actions are then condemned. And turning this into a perjury issue has been difficult.

The President, his advisors, and the friendly media were all aware that the sexual privacy issue would distract from the serious charges and knew it was their best chance to avoid impeachment.

But the President, this Administration and the Congress have all been hypocritical for demanding privacy for themselves yet are the first to demand it. Although other Administrations have abused the FBI and the IRS, this Administration has systematically abused these powers like none other.

Let’s declare a victory in spite of the mess. But, let’s hope this is we’ve not been removed from office. We’ll call it a form of “jury nullification” and hope someday this process will be used in our courts to nullify the unconstitutional tax, monetary, gun, anti-privacy, and seizure laws that are heaped upon us by Congress, the President, and perpetuated by a judicial system devoid of respect for individual liberty and the Constitution.

Hopefully, the concept of the overly aggressive prosecutor will be condemned when it comes to overly aggressive activities of all the “teachings” not any the President, but the IRS, the BATF or any other authoritarian agency of the federal government.

A former U.S. Attorney, Robert Merkle, recently told the Pittsburgh Post Gazette that “the philosophy of (the Attorney General’s office) the last 10 to 15 years is whatever works is right,” when it comes to enforcing federal laws which essentially are unconstitution. It’s this attitude by the federal police agencies that the American people must reject not only when it applies to a particular President some want to shield.

Even though we might claim a victory of sorts, the current impeachment process reveals a defeat for our political system and our society. Since lack of respect for the Constitution is inherent throughout the Administration, the Congress and the Courts and reflects the political philosophy of the past 60 years, dealing with the President alone, won’t reverse the course on which we find ourselves. There are days when I think we should consider “impeachment by the people,” knowing the Congress and the Judiciary. But the desired changes will come only after the people’s attitudes change as to what form of government they desire. When the people demand privacy, freedom and individual responsibility every one else will have to reflect these views. Hopefully we can see signs in these current events that more Americans are becoming serious about demanding their liberty and rejecting the illusions of government largesse as a panacea.

It’s said but there is another example of a most egregious abuse of presidential power, committed by the President, that has gotten no attention by the special prosecutors or the Congress. That is the attempt by the President to distract from the Monica Lewinsky matter by the Grand Jury by bombing with 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. The President then ordered cruise missiles both Sudan and Afghanistan, and the now current war against Iraq.

To add insult to injury both military operations ordered by Clinton were quickly praised by the Republican leaders as good and necessary policy. These acts alone should be enough for a serious consideration of impeachment, but it’s never mentioned—mainly because leadership of both parties for decades have full endorsed our jingoism and bellicosity directed toward other nations when they do not do our bidding.

Yes, the President’s tawdry affair and the acceptance of it to a large degree by the American people is not a good sign for us as a people. But, let’s hope this is we’ve not have a positive result by recognizing the public’s rejection of the sniping actions of Big Brother. Let’s hope there’s a renewed interest in the Constitution and that Congress pays a lot more attention to it on a daily basis especially when it comes to waging war.

The fact that President Clinton will most likely escape removal from office I find less offensive than the Congress’s and the media’s lack of interest in dealing with the serious charges of flagrant abuse of power, threatening a constitutional restraints. I find a much more profound interest that will be hard to beat in the decades to come.

But this impeachment drive is illegitimate for other, more fundamental reasons: the charges brought against the President are not only lacking in merit, they are not the kind of high crimes and misdemeanors that warrant impeachment. Chairman Hyde has painted his crusade in moral terms—he claims to be upholding the rule of law. The rule of law is not at risk here, but the Constitution is. The Constitution reserves impeachment for treason, bribery and other high crimes and misdemeanors. It does not say fornication, adultery and other high crimes and misdemeanors. Nor does it say perjury, evading taxes or bribery. It does not say for\ or other crimes and misdemeanors. These acts are misdeeds that have other remedies under the law. Calling them impeachable offenses demeans the Constitution and undermines our system of government.

It is this attitude by the federal police agents that the American people must reject, not only when it applies to a particular President some want to shield.

Given the history of the way federal police agencies are used, the current impeachment process reveals a defeat for our political system and our society. Since lack of respect for the Constitution is inherent throughout the Administration, the Congress and the Courts and reflects the political philosophy of the past 60 years, dealing with the President alone, won’t reverse the course on which we find ourselves. There are days when I think we should consider “impeachment by the people,” knowing the Congress and the Judiciary. But the desired changes will come only after the people’s attitudes change as to what form of government they desire. When the people demand privacy, freedom and individual responsibility every one else will have to reflect these views. Hopefully we can see signs in these current events that more Americans are becoming serious about demanding their liberty and rejecting the illusions of government largesse as a panacea.

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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 one we are now producing, which 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 are.

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—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. I have gone to college in the mid 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 was that there were meant 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.

Futhermore, 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 injuries done immediately to the society of the state." (Federalist Papers, No. 65). Other works 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. Where the Constitution governs the procedure. The Constitution speaks of this duty only in terms of "impeachment," that is, the House finding enough 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 Articles 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." Watergate was not about breaking and entering, but about cover up and perjury after the fact.

It is the same here.

Why perjury and encouraging a witness to lie under oath is so serious.

The U.S. Supreme Court (US v. Mandurano, 1974) said that "perjured testimony is an obvious and flagrant affront to the basic concepts of judicial proceedings." When somebody perjures himself under oath, this does 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 independent 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 will be one of the concerns in impeach
cement proceedings 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 you will not have time to do this. I will simply sign and filing an affidavit in court. That way you might not be called as a witness. By the way, I understand you are looking for more business, and perhaps we could do something on that." Party B's attorney then picks up the distributor, takes him to another lawyer's office. That lawyer prepares an affidavit that is false, and that lawyer goes over the affidavit with Part B's attorney. The affidavit is signed, notarized, and then sent to the court. You lost your case! You lost your business! You are greatly hindered, and the trial suffers a serious blow because the notion of justice based upon truth is destroyed. This is what the President is charged with. The President discovers Monica Lewinsky is on the witness list in the Monica and you then take Ms. Lewinsky to another lawyer, who prepares a false affidavit about Ms. Lewinsky's relationship with the President. Her attorney goes over the affidavit with Mr. Jordan. After she signs the affidavit, Mr. Jordan again enters the picture and Ms. Lewinsky gets another lawyer.

The U.S. Supreme Court rule unanomously that Paula Jones has a right to file and pursue her federal constitutional remedy against the President while he is in office.

Paula Jones has a constitutional right to a trial based upon factual—not perjured—testimony, and thus the false affidavit deprives her of that constitutional right. Second, the entire judicial system, based upon people seeking redress for legal wrongs, suffers a serious blow. This is why perjury is so serious. This is why 115 people are sitting in federal prison because they committed perjury. This is why four Northwestern students have been indicated for perjury because they lied about betting on sports. This is why a 17-year-old student in McHenry County, Illinois, received six months in jail for lying in open court under oath. The Northwestern students cannot defend their actions because they were simply lying about "just a little sports betting" any more that the President can defend his lie because the Jones lawsuit was "just about sex."

This is why important words of the founders, is to remove those officeholders who violate the "public trust and subvert the Constitution."

THE OATH OF OFFICE

As a member of Congress, I swear 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 elected officeholders are here.

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 world trusts these men in trust for the protection of the American people. This is such an awesome responsibility that the Constitution makes the President the Commander...
in Chief of the Armed Forces with the power to use force, if necessary to protect the people's Constitutional right to equal application of the Constitution and the laws.

Teddy Roosevelt said it best, as recorded in The Strenuous Life (1900): "We . . . differ on the currency, public life, and 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 him in the 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 Articles I and II. I am also concerned that the wording of Articles II and V is almost a mirror image of Articles I and II.

I am 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 the same reason 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, I believe that unless the facts support it, as they do not with his own actions, he has 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 justice 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 heap 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 him.” That claim is supported today by the impeachment resolution last year, months before the President had even come to office.

The current investigation is an unprecedented and deliberate strategy to use the criminal justice system to punish political enemies. 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. An impeachment by a divided Congress 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 he 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 grant immunity. They have misused and abused the power to hold others in contempt of Congress.

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 President’s impeachment 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, unfortunatelly, provided them with irresistible ammuni

For that President Clinton deserves censure and he deserves to be prosecuted if he violated the law. His crimes, if any, do not justify the impeachment proceedings envisioned by the Constitution. He does not deserve— and our country does not deserve—this impeachment resolution.
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? These are questions that challenge our nation? Will we accept the degradation of our society and his actions. This cannot be.

It is my hope that we expect the highest and best from ourselves, our nation and our President. 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 New York, in his book, "Impeachment," wrote that the greatest moments of his 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 area of our Capitol. 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 overwhelmed 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 about 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 address problems in 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 misdeed of principle, but they are a misdeed of personal character. He has added insult to our constitution by some of the most fundamental laws recognized by almost every government. The President had violated common law and some of our 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 the constitutional tests of high crimes and misdemeanors. I am disappointed in Bill Clinton and 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.
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, abuse of power, and other crimes 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. MCHUGH. 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 conviction and in past 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 unambiguous 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 envisioned, and it’s certainly a choice I’ve 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 predicament 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, to restore my faith’s certainty of a choice 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.

I realize there are those who will claim that this impeachment is but an attempt to secure some political advantage or revenge. Such assertions are wholly without foundation and in direct consequence that their actions are malicious and vile, and that like their President, their personal convenience is the superior concern. I firmly believe such a message would result in a dangerous and irreversible decline in the respect for our Nation’s laws, our judicial system, and the liberties we rely upon them to protect.

I believe that the President’s actions have so directly assailed and, as such, require my affirmative vote on Articles 1 and 2. When the President submitted a false affidavit to the courts during the Paula Jones case, he was going far beyond an illegal, yet somewhat understandable, effort to conceal an illicit affair. He was, instead, attempting to avoid legal action and, by that, for lack of evidence or position, would ever be judged differently from all others. For some 222 years, that irreplaceable belief has nurtured our freedom and our liberties. It’s that belief that the President’s actions have so directly assailed and, as such, requires my affirmative vote on Articles 1 and 2.

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. I believe that his actions have so directly assailed and, as such, require my affirmative vote on Articles 1 and 2.
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 took 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 of the belief that 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 it is 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 actions 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 the 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 conclude 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 it were. 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 over this House I know this must be true.

We are 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 ourselves 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 of my own volition. I have carefully reviewed the facts of the case and consulted with my distinguished colleagues on the Judiciary Committee, including the esteemed Chairman, HENRY HYDE.

Contributing to my decision, but not dictating it, is that I received an overwhelming number of phone calls and letters expressing their profound interest in ensuring that the President is not allowed to enjoy a special status before the law. I talked personally with many of these people. They are law-abiding people who have the utmost respect for our laws. They know that great damage will be done to our justice system if we dismiss the President’s actions, and they have urged that we not turn our backs on this matter.

Our duty today is not pleasant and, contrary to the misguided charges of some of the President’s surrogates, the President took joy in what we must do. Mr. Speaker, I regretfully submit that we have no choice. We must move ahead with impeachment and hold President Clinton responsible for his crimes.

Mr. JONES. Mr. Speaker, on October 1, I received a message from Mike Hagerty, a Retired Marine Corps Officer from my Eastern North Carolina District. He now works with the young people in Jacksonville, where he serves as a Boy Scout leader.

Mr. Hagerty wrote:

The Boy Scouts in my town are smart young men and they ask many questions about the President. Most of the discussion among our Scouts is to the effect that the President’s conduct is simply unacceptable.

He then went on to write, and I quote:

I explain to our Scouts that our current President did not take the same oath that they take and retake each week. I stress that, unfortunately, we hold our Scouts to a higher standard than our current President. That is a bitter pill.

Mr. Hagerty concluded his message by writing:

Sir, I would like to ask you a favor. When the time comes for the United States House of Representatives to deal with the issues involving our President, please cast your vote in a manner consistent with our Constitution...

...There is not an elite class that is above the law; there is not a clause in the Constitution that gives an elected official license to conduct himself in a reckless, wanton, and unlawful manner because of his popularity.

Mr. Speaker, when I think about the letter from Mr. Hagerty, I realize that the decision we are making about the violation of the law by the President of the United States is critical to the youth of America. They do not understand that the strength of our nation is that every American—no matter their status—must absolutely abide by the laws of this land.

I hope, if nothing else, that we have learned from this experience that character and integrity are vital to maintaining a strong America.

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 want Mike 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, or easy, a Congressman voted to put 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 they 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 us 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 grown throughout both its darkest and proudest time because of its deliberately chosen words.

The phrase describing what were considered impeachable offenses took many shapes before its adoption. 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 the phrase ‘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 during 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’ reflects 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 discussing 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 perjurous statements may have been made during our 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 our report 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 show 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 the 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. By Congress, the President is by Congress to express its opinion on public officials 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 been erased from the history books. In fact, history will forever proclaim President Jackson as being censured by the Senate, which remains an undeniable 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 my view, censure acts severe enough to earn an official condemnation from Congress.

A strongly written resolution of censure and substantial monetary fine requiring the acceptance of the President through his signature, is the most appropriate form of condemnation for the President’s reprehensible behavior. In Federalist 65, Alexander Hamilton writes: “The prosecution of them (impeachable charges,) for this 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 some cases it will be accompanied with 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, the 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 not only undermines our 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, Mr. 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.

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.

In that same passage, Hamilton stated that a partisan impeachment “threatened to agitate the passions of the whole community . . . to
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, conduct 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 assisted Mrs. Jones by joining in a friend-of-the-court brief.

Ken Starr’s report repeats and exaggerates any conceivable evidence of wrongdoing, but egregiously 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 the President. This conduct is the most egregious abuse of power in this case, and behavior by someone in authority that strikes at the heart of our legal and political system. But it is the behavior of the Independent Counsel that is the abuse of power, and it is his conduct that is the most threatening to our republic. To quote a respected journalist writing in one of my local papers, what we have in Ken Starr is a “self-righteous, underhanded proponent dedicated to destroying someone,” and “a man willing to deploy the power and resources of the government’s investigatory and police powers.” This is what this man, and the biased case he has put forward, on which the Republican majority is willing 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. He established feckless and specious investigatory issues, like “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 those issues, Starr moved from being an objective and impartial investigator to being a clear advocate for the 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 or 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 Dole, who lost to the President in the most recent election believes censure, not impeachment, is the appropriate option.

FAILURE TO IDENTIFY AND PROVE AN IMPEACHABLE OFFENSE

What, indeed, are we supposed to be impeaching the President for? I have read the reports and followed the hearings. But I believe I am not alone in being unable to answer that question. Certainly my Republican colleagues have not answered it.

The Constitution very clearly prescribes the grounds for impeaching: treason, bribery or other high crimes and misdemeanors. If Congress wants to violate the spirit of the Constitution, we can impeach for almost anything. But if we want our action to be in keeping with both Constitutional spirit and history, our authority is limited to conduct that rises to the high level indicated. The Framers clearly believed that impeachment was intended to redress seriously wrongful public conduct, and requires a very high and very clear standard because impeachment nullifies the popular will.

Some would impeach because the President allegedly violated his oath of office. That is far too vague and ambiguous a charge for anyone to seriously argue it rises to the level of an impeachable offense. What is required is a high crime that is comparable to treason or bribery. Assuming that the worst charges against the President are true and convincing, his alleged misconduct does not rise to that level.

Indeed, there is not clear and persuasive proof that the President committed any crimes. Those who would impeach the President have tended to use important words cavalierly and interchangeably as if they have fungible content. Words have meaning, they are the skins of living thoughts. To mislead, to lie, to perjure oneself are all, in varying but important degrees, wrong. But to mislead is not necessarily to lie, to lie is not necessarily to perjure. Unfortunately, words can be and have been used interchangeably and carelessly, leading to obfuscation or confusion. Some who favor impeachment have too frequently used them to manipulate rather than to clarify.

Some believe that the President committed perjury. I believe responsible people can disagree about where to draw the line on what does or does not constitute perjury. But there is widespread agreement that few prosecutors would bring a case on the factual basis we have before us today, let alone be able to convict anyone on these grounds.

There are two articles of impeachment that allege perjury, one incident in the context of the Paula Jones deposition, the other in the context of the grand jury deposition. Yet the Republican majority has repeatedly refused to pinpoint exactly what statements constitute perjury or elements of perjury. In the Paula Jones case, there is clear evidence of obvious confusion on the part of the attorneys and the judge about the context of one, and concern that its use would make it harder to get at the truth. If the attorneys and the judge were confused, is it inconceivable that the President was confused as well? Are we going to impeach a President over a definition he used that accorded with the definition of every dictionary I am aware of—i.e., “intercourse?”

The other purported perjury, that in the grand jury testimony, is that the President said he abided by his testimony in the Paula Jones case. Does anyone seriously believe that response rises to the level of a crime against the state?

Some suggest that there are precedents where individuals have been impeached for perjury, and cite the impeachment of judges. However, in those cases perjury was the grand-vam of, not peripheral to, the charges brought against the individuals. More importantly, I believe different constitutional standards apply in regard to the impeachment of judges than for the impeachment of the President. First, judges are appointed for life, by one individual. They are not elected for a finite term by the people of the United States. Secondly, the Constitution says, with regard to judges, that they “shall hold their offices during good behavior.” That is a much lower constitutional standard, and far easier to meet.

The specifics of our legal system and its procedures are not always easy to understand and appreciate. Americans understand that, in this country, we operate under a rule of law, and every citizen—even the President—is innocent until proven guilty. No one is obligated to admit guilt, or to assist the prosecutor to convict him. It is expected and proper for a witness to be cautious under oath, to keep his counsel, to give away as little as possible. Any citizen would and should do the same. Yet some would impeach the President for exercising his most basic legal rights.

As for abuse of power and obstruction of justice charges, I believe they are specious on their face. There are charges of witness tampering, of hiding evidence. But those are disputed charges, and there is evidence on the record that calls their legitimacy into question. There is no proof whatsoever that the President tampered with, or attempted to hide evidence. We cannot impeach on the basis of unproven charges. To suggest that written responses prepared by the President’s attorneys to a congressional committee that the committee deems inadequate constitute an abuse of power is so frivolous as not to merit serious discussion. Indeed, such charges are an admission of an abuse of congressional power, or at the very least, a cavalier, indiscriminate use of such powers.

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—they should not permit those who sincerely disagree but believe some form of accountability is appropriate the right to pursue the alternative they believe is 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 Jefferson Clinton. I do so on 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 continue censure the President, 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 of the United States 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 to 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 constitution itself.” The 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 future Congress might bring against the President. A resolution of censure 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 recomit 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 penalty should apply to those with remorse and a contributory part in the offense.

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 prefer that our military members of our military and subject them to 50 years of jail time for lying under oath to cover up sexual indiscretions, 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 denials 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 and every stage of his inexcusable by his inexcusable by his refusals to the 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 President 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 Presid- ent 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 decision 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 by one officer of the government.”

Wooderson, 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 era, 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 cognizable 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—delegated 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 law, he is accountable to them in his private character as a citizen and in his public charac- ter 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 consequences ordinary Americans would face in similar circumstances, but because I believe he should face exactly the same con- sequences: 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 case than any other I have made in the elected office. I have spoken personally with hundreds of constituents, read mountains of correspondence, 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 nominated all federal judges in- cluding the Supreme Court. If he has no 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 punish- 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 personally 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 William 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 States 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 taken 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 Pres- ident 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
And what do I think is right in this case? When I was a Suffolk County prosecutor my entire duty was based on the integrity and conduct of the men and women who took an oath to tell the truth. In many cases it was difficult for these people to testify honestly, especially when they were sworn-in. They understood that this was different, that it was almost holy, that upon their respect for their oath would ride many things, including the functioning of the system of justice, the expectations, the equality of one citizen with another, and, not least, their own honor. These were ordinary people. They understood. In many cases, they sacrificed. In many cases, they suffered. But they told the truth.

If an anonymous citizen, with no reward for his actions other than the knowledge that he has done right, can abide by his oath, what about a President, upon whom someday the light of history will shine? We have strength, the taxpayer and the White House lawyers, immeasurable power and privilege not only with the expectation that he will be scrupulously honest but also with the thought of helping him to be so. Unlike the ordinary citizen, his decisions are insulated and he is protected. And history is adding the pressure of public opinion in a way it never has before. In many cases in which he sacrifices for the sake of the nation he leads, for every instance in which he chooses 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 point a private matter. 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 White House lawyers) for many 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 in every instance in which he chooses forthrightness rather than obfuscation: in short, for his character.

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 that he had long been playing, that he would tell the truth and reclaim the honor and dignity of the Presidency.

What choice is there, then? What choice is there when the President’s own witnesses before the Judiciary Committee claim that he has “disgraced the Presidency” and acted without morals? His own lawyer testified that the ship and a grave departure from our most fundamental principles.

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. ESCHOO. 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 tearing partisanship, disallowed the right of each Member to express his or her own conscience. Today, only votes on impeachment are a daily business 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—the rule, 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 decision of the House of that time in a highly 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 and non-partisan. 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?

Impediment of the President is the constitutional equivalent of the death penalty. But the rule of law—of due process, the eviction of the President from office because of impeachment—does not support impeachment. Without clear consensus in our Nation, without critical bipartisan support within the debate—also relies on proportionality. And impeachment of the President for moral laxity 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 bipartisan support 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. I agree that the rule of law above all else to protect the future of the United States America. For this reason, I will vote to impeach the President.

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, the impeachment power of the American people, lessened their esteem for the office of President, and diminished our faith in the presidency as a guardian of our rights.

William Jefferson Clinton has egregiously failed in this obligation. The President is the obligation that the President of the United States faithfully to preserve, protect and defend the Constitution of the United States. In my view, there is no doubt the President has done his duty to uphold the Constitution when the Constitution requires it.

I believe this healing can start today. We are now rapidly descending into a politics where life imitates farce, fratricide dominates our public debate, and politics is held hostage to tactics of slash and burn.

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, forced to start building upon 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 clarifying the consequences 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 slash and burn must end. I implore all of us that the politics of personal destruction and return to the politics of values.

I commend the gentleman from Illinois (Mr. Boucher) and 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 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 seating of 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 history clearly instructs us that the presidential impeachment power is to be used only as a last resort in 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.

It is with that same passion that I say to all of you today that the gentleman from Louisiana (Mr. Boucher) is a worthy and good and honorable man.

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. Boucher) is a worthy and good and honorable man.
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 say enough.

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.

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 re-referred to 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.

It is also established by numerous precedents in the history of this House in which resolutions of impeachment have been called up as privileged matters on the floor.

Mr. Speaker, the motion to recommit contains matter which is not privileged for consideration by this House. An attempt to insert nonprivileged matter into privileged matter by amendment clearly violates the germaneness rules of this House.

Mr. Speaker, in order to be held germane, an amendment must share a fundamental purpose with the text one attempts to amend. 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 recommit presently 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 parliamentarian of 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
the past which establish precedents of the future.

Mr. Speaker, I urge you to continue your reputation of fairness and sustain this point of order.

The SPEAKER pro tempore (Mr. LAHODNY). For the record, 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 the Precedents, sec. 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) demands.

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 Everett'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 was given before. 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 censuring 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 castigates 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 appropriately invoke the process of the President, it can censure the deplorable behavior of President Clinton, and we are simply asking for that opportunity.

The gentleman from New York (Mr. SOLLOR) 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, that censure is not a constitutionally sound remedy.

On the first argument, Mr. Speaker, the Chair may be tempted to follow footnote 14 of the 6th volume of Hinds, sec. 1625, a Mr. A.P. Field was reprimanded 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 Canons of Precedents, sec. 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 of censure have been considered as privileged in the past.

In the second volume of Hinds, sec. 1625, a Mr. A.P. Field was reprimanded 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 Canons of Precedents, sec. 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 certainly 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 Constitution" and "has brought discredit on 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 asserting 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 finding other work.

The House also has the authority to 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. 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 3031.

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 one has ever been called on to 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, rise in support of the point of order on the motion to recommit 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.

Furthermore, the fundamental principle of such a censure resolution is inconsistent with the fundamental purpose of an impeachment resolution.

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 if Representatives has had.

Mr. Speaker, I wish to be heard on the point of order and 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 Moscowitz, Judge Blodget, Judge Boarman, Judge Jenkins and Judge Ricks, the committee 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 in 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 Tousley, 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. Russel J. Jarvis. 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 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 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 longstanding 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 want to go on the record censuring certain behavior, it has. The only need look at the precedents.

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 affirm 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. The Committee and it is a matter of all Members knows that 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
history, I knew in advance the answer to that question. No. There can be no such language in a resolution of censure because, under the rules of Congress, this Congress cannot bind a future Congress.

What does this mean? It means that any censure adopted by this House today can be expunged from the record by a simple majority vote of this House. Now, in a courtroom, convicted felons seek to have their criminal convictions expunged. When that request is granted, they may truthfully state that they were never convicted of a crime. In the eyes of the law, the criminal conduct simply never happened when expungement is granted. It is forgotten.

A censure resolution of this President today can be erased from our journals and from our history books forever tomorrow, and it may be done by a simple majority vote. Censure is a remedy designed for the polls, it is not a remedy designed for the Constitution. It is a phantom remedy and the amendment should be turned back.

The SPEAKER pro tempore. Does the gentleman from Wisconsin (Mr. Barrett) wish to speak to the point of order?

Mr. BARRETT of Wisconsin. Yes, Mr. Speaker, I wish to speak. But before I do that, I want to compliment you on the evenhandedness you have displayed in presiding over this matter.

Mr. Speaker, the argument that censure is of a fundamentally different purpose than impeachment has been made; that impeachment is remedial in nature while censure is punitive in nature. Ordinarily, I would agree. The words in the censure resolution are meant to be punishment. But unlike previous articles of impeachment, the impeachment articles before us also raise the issue of punishment, and it does so in three ways:

First, the articles incorporate language which clearly condemns and, in effect, censures the President. I quote from the articles: “In all of this William Jefferson Clinton has undermined the integrity of his office and has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice to the manifest injury of the people of the United States.” This language appears in all four articles.

The article also states that he has, “violated his constitutional duty”, and “willfully corrupted and manipulated the judicial process.” If this language were considered on its own, it clearly would be considered a condemnation and censure of the President.

Second, and more importantly, last night I looked through the 16 previous articles of impeachment that this House has considered. And for the first time in the history of this House, this House is taking the additional step and telling the Senate that not only should the President be tried and removed from office but also disbarred from ever holding public office again. That language did not even appear in the articles of impeachment for Andrew Johnson or Richard Nixon.

Let me repeat that, Mr. Speaker. 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 exhibited 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. It 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 article of censure, 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 censure in 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. Does anyone on the majority side wish to be heard?

The gentleman from Indiana (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 called, is to punish the President. Others argue that it is not intended to punish but merely to state the opinion of the House on the matter. Without determining which it is, this much is now clear. If its purpose is to punish the President, no matter how it is captioned, it is a bill of attainder, that is, special legislation intended to punish and identify an individual or group without benefit of judicial proceedings, and constitutionally prohibited.

I submit that the proposal originally before the committee has been amended so as not to require Senate action, thus diminishing it substantially in order to meet the constitutional infirmity. If it is not intended to punish the President, but merely state an opinion, it is far worse, for we have already done that extensively, some would say exhaustively.

If anything, the debate of the last few months has brought consensus on one thing, the centrality of the rule of law to our system of government. Some contend that the rule of law is best 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 imposition of a new 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 proposal 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 objection 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. The Chair recognizes the gentleman from Indiana (Mr. Buyer).

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state.

Mr. SOLOMON. Mr. Speaker, the debate is getting to be repetitive on the point of order.

The SPEAKER pro tempore. The Chair has discretion to hear Members I wish to speak to the point of order. As long as Members speak to the point of order, the Chair hopes to allow Members to do that. The Chair will make a ruling after a sufficient number
of Members have had a chance to speak.

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

Mr. BUYER. Mr. Speaker, if many of my colleagues are sitting here somewhat searching 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 did sit on 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 words of the document 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 as a result of that, he should have a vote on censure.

Mr. HEFNER. Mr. Speaker, I do not understand why anybody would be confused. If this be an exercise in lawyers sitting 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. If you want to confuse us, do it.

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 New York (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 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 I have voted with you 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 shall be 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 birth of the savior Jesus Christ. I want to go home and celebrate the birth of the savior Jesus Christ.
prince of peace, and if people want to stay here forever and ever and berate the President, then you just have to let that be your Christmas legacy.

But if you do not allow us a vote on censure, you are saying to me our mind is made up, because we are going to get the President and what we are not going to give you a vote on it and the deal is cut. If that be the case, we may as well all go home and have the vote now. But I hope that the Chair will not rule that this is not germane. I thank you very much, God bless you, and have a merry Christmas.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. Barr).

Mr. BARNES of Georgia. Mr. Speaker, precedents are important and for precedent in this dispute, in discussing the germaneness of the motion to recomit, I believe one of the most important precedents one can turn to is the founder of the Democrat Party, President Andrew Jackson. His words, indeed, 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 and stand for the proposition that the very carefully balanced system of checks and balances and separation of powers in our government was violated, 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 these halls today, because they say that a motion for censure as a substitute for impeachment is offensive to the fundamental work of this Congress, to the fundamental powers of this Congress and the powers of the presidency.

This is the precedent, Mr. Speaker, that we should be guided by 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 gentleman will state it.

Mr. TRAFICANT. Mr. Speaker, there has never been one Member that has addressed the legal precedents of the challenge to this motion.

The Chair recognizes the gentleman from Ohio (Mr. Moakley).

The Chair understands that the ranking member of the Committee on Rules wishes to make a brief statement to the Chair.

Mr. MOAKLEY. Mr. Speaker, I ask to be heard to make a different appeal.

The SPEAKER pro tempore. Briefly, Mr. Moakley. Arguing in the alternative, your honor, Speaker.

Mr. MOAKLEY. The alternative, Mr. Speaker, and I thank the Chair for its patience, arguing the alternative, if the Chair finds some merit in our argument but is not convinced in the sufficient merit to overrule the point of order, I respectfully urge the Chair to consider the following question, the question, directly to the House, and there is precedent for this action.

One of the issues in deciding the germaneness of censure to impeachment is the notion that the censure is not privy to the President and we are not going to give him the opportunity to address the censure resolution as an amendment to the impeachment resolution. That occurred in the matter of the impeachment of Judge Peck in 1830.

In response to the argument that censure is an offshoot of impeachment 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 disallowing 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 ambiguity in the rules and deal directly about this unprecedented application in favor of finding that the resolution of censure is germane and permitting its consideration by the House.

A finding of germaneness would do no violence to the precedents of the House. It would not overturn previous rulings of the Chair. It would allow us today to give voice to the public’s overwhelming desire to put this unfortu-
tune to rest. With the censure and rebuke which the President, for his conduct, deserves.

I thank the Chair for his patience in listening to these arguments, and I urge his finding that the resolution of censure is germane.

The SPEAKER pro tempore (Mr. LaHood). Mr. Chair understands that the ranking member of the Committee on Rules wishes to make a brief statement to the Chair.

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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 last 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-Mayor Leader Carl Albert made these general observations about the rule in 1965.

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 Gillett on January 11, 1916, which is recorded in Cannon's Precedents at volume 6, section 468. Accordingly, to a resolution pending as privileged, an amendment proposing to broach 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 addressing one matter, an amendment proposing to broach an intrinsically different matter is not germane.

As the excellent arguments in debate on this point of order have made clear, these two principles are closely intertwined in any analysis of the relationship between the amendment proposed in the motion to recommit and the pending resolution. The Chair thanks those who have brought their arguments to the attention of the Chair.

The gentleman from Missouri has proposed to impeach the President of the United States. As such, it invokes an exclusive constitutional prerogative of the House. The final clause of section 2 in Article I of the Constitution mandates that the House, “shall have the sole power of impeachment.” For this reason, the pending proposal constitutes a question of the privileges of the House under section 5 in article I. Ample precedent is annotated in the House Rules and Manual at section 604.

The amendment in the motion to recommit offered by the gentleman from Virginia proposes instead to censure the President, a comparable nexus to an exclusive constitutional prerogative of the House. Indeed, clause 7 of section 3 in article I of the Constitution prescribes that “judgment in cases of impeachment shall extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.”

An instructive contrast appears in clause 2 of section 5 in article I of the Constitution, which establishes a range of alternative disciplinary sanctions for Members of Congress by stating that each House may, “punish its Members for disorderly behavior, and with the concurrence of two-thirds, expel a Member.” This contrast demonstrates that, while the constitutional power of either body in Congress to punish one of its Members extends through a range of alternatives, the constitutional power of the Congress to remove the President, consistent with the separation of powers, is confined to the impeachment process.

Thus, a proposal to discipline a Member may admit as germane an amendment to increase or decrease the punishment (except expulsion, which the Chair will address presently), in significant part because the Constitution contemplates that the House may impose alternative punishments. But a resolution of impeachment, being a question of privileges of the House before the separation of powers, and not an exclusively constitutional prerogative of the House, cannot admit as germane an amendment to convert the remedial sanction of potential removal to a punitive sanction of censure, as that would broach nonprivileged matter. For this conclusion the Chair finds support in Hinds’ Precedents at volume 5, section 5810, as cited in Deschler’s Precedents at volume 3, chapter 14, section 1.3, footnote 8.

The qualitative difference between the rule of germaneness and the standing rules of disciplinary authority in the Constitution signifies an intrinsic parliamentary difference between impeachment and an alternative sanction against the President. The Chair believes that this distinction is supported in the cited precedents and is specifically discussed in the parliamentary notes on pages 400 and 401 of the cited volume. An analogous case emphasizing an intrinsic difference is recorded in Cannon’s Precedents within the meaning of section 236, reflecting that on October 27, 1921, Speaker Gillett held that an amendment proposing to censure a Member of the House was not germane to a resolution proposing that the Member be expelled from the House.

The cited precedent reveals several occasions when the Committee on the Judiciary, having been referred a question of impeachment against a civil officer of the United States, reported a recommendation that impeachment was not warranted and, thereafter, called upon the report as a question of privilege.

The occasional inclusion in an accompanying report of the Committee on the Judiciary recommending that an official be censured has not been held to destroy the privilege of an accompanying resolution that does not, itself, convey the language of censure.

The Chair is aware that, in the consideration of a resolution proposing to impeach Judge James Peck in 1830, the House considered an amendment proposing instead to express disapproval of the President’s conduct. In that instance no Member rose to a point of order, and no parliamentary decision was entered from the Chair or by the House. The amendment was considered by common sufferance. That no Member sought to enforce the rule of germaneness on that occasion does not establish a precedent of the House that such an amendment would be germane.

Where the pending resolution addresses impeachment of the President as 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, itself, tends to 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 any separate censure, the resolution only effects the constitutional prayer for judgment by the Senate.

The Chair is not passing on the ultimate constitutionality 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.
Mr. GEPHARDT. Mr. Speaker, with all due respect, I must appeal the ruling of the Chair.

The SPEAKER pro tempore (Mr. LAHOOD). The question is, shall the de-
Isaac Toccey, Former War Secretary Simon Cameron, Navy 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. Mr. Moakley cited two examples in his opening argument. The House has accused, and Mr. John Thorne (Hinds 2 Hinds 1606), a Mr. Samuel Houston (2 Hinds 1619) and moved to censure a Mr. Russel Jarvis (2 Hinds 1615).

I believe these examples will dispel the myth that censure is only used against political figures. 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 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 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 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 think it is important to acknowledge the marks 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 Framers of the Constitution, she noted that “the Framers confined in the Congress the power to be used, to remove the President in order to strike a balance between a President swollen with power and grown tyrannical . . . .”

She also said impeachment was limited to high crimes and misdemeanors, as she cited the federal convention of 1787. Finally, Ms. Jordanšeemed 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.” 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 constitutional sound. Mr. Speaker please rule and allow a free standing Resolution on 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 all will perish. It is time to close ranks and get back to the business of America. It is time to heal this nation. Today let’s restore the American public’s faith in the Constitution; do not deny their will.

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

The SPEAKER pro tempore (Mr. LAHOO). The question has been divided for a vote.

The question is on the adoption of article I. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, that I demand the yeas and nays.

The question before the Speaker is, with that I demand the yeas and nays.

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Mr. SENSENBRENNER. Mr. Speaker, that I demand the yeas and nays.

The question before the Speaker is, with that I demand the yeas and nays.
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 question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBERG. 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 226, nays 229, not voting 1, as follows:

[Ballot not shown]

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 ayes appeared to have it.

Mr. SOLOMON. 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 222, not voting 1, as follows:

[Ballot not shown]
So Article III was 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 IV. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. Lofgren, 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 148, nays 283, not voting 2, as follows:

[Roll No. 546]

YEAS—148

NAY—285

NAYS—2

Allen (CA)  Miller (CA)  □ 1436

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. Gekas, Mr. Canady, Mr. Boehner, Mr. Boucher, Mr. Barr, Mr. Hatcher, Mr. Cannon, Mr. Rogan, and Mr. Graham are appointed managers to conduct the impeachment trial against William J. efferson Clinton, President of the United States, that a message be sent to the Senate to inform the Senate of these articles, 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) Spending for papers and printing, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction 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:
Resolved, That Mr. Hyde, Mr. Sensenbrenner, Mr. McCollum, Mr. Gekas, Mr. Canady, Mr. Buyer, Mr. Bryant, Mr. Chabot, Mr. Barr, Mr. Gutchinson, Mr. Cannon, Mr. Rogan, and Mr. Graham are appointed managers to conduct the impeachment trial against William Jefferson Clinton, President of the United States, and 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 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. Sending 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 exhibit of the articles of impeachment, which are necessary.

The SPEAKER pro tempore (Mr. L. H. Teague). The resolution offered by the gentleman from Illinois (Mr. Hyde) is a question of the privileges of the House.

The Chair recognizes the gentleman from Illinois (Mr. Hyde) to proceed immediately on the resolution.

Under a previous order of the House, the gentleman from Illinois (Mr. Hyde) will control 5 minutes, and the gentleman from Michigan (Mr. Conyers) will control 5 minutes. The Clerk will report the resolution.

Mr. Conyers (reading the resolution). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The Speaker pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. Hyde) for 5 minutes.

Mr. Hyde. Mr. Speaker, I yield myself such time as I may consume. I certainly will not use 5 minutes.

Mr. Speaker, this resolution merely appoints managers to conduct the impeachment trial, authorizes the message to be sent to the Senate to inform the other body of these appointments, and authorizes the managers to exhibit the articles of impeachment to the Senate.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I am opposed to the motion. I do not think there needs to be a lot of discussion about this. We choose not to be a part of the managers in the Senate and I am going to vote against the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. Hyde. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the previous question is ordered.
H12046

CONGRESSIONAL RECORD — HOUSE

December 19, 1998


12658. A letter from the Executive Director, President's Commission on the Arts and The Humanities, transmitting a follow-up report on the recommendations of a Presidential Advisory committee, to the Committee on Government Reform and Oversight.


12660. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases, pursuant to 30 U.S.C. 237; to the Committee on Energy and Natural Resources.

12661. A letter from the Assistant Secretary—Indian Affairs, Department of the Interior, transmitting the Little Traverse Bay Bands of Odawa Indians (Tribe) share of the judgment funds in Docket No. 95±221, pursuant to 25 U.S.C. 1404; to the Committee on Resources.

12662. A letter from the Assistant Secretary—Indian Affairs, Department of the Interior, transmitting the Bureau of Indian Affairs' FY 1995 and FY 1996 Contract Support Report; to the Committee on Resources.

12663. A letter from the Administrator, Rural Development, Department of Agriculture, transmitting the Department's final rule—Environmental Policies and Procedures (RIN: 0575±A131) received December 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

12664. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 1996 annual report on the activities and operations of the Department's Public Integrity Section, Criminal Division's, April 1, 1996 thru September 30, 1996; to the Committee on the Judiciary.


12668. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 1997 Annual Report of the National Institute of Justice (NJ); to the Committee on the Judiciary.

12669. A letter from the Chairman, Inland Waterways Users Board, transmitting the Board's annual report of its activities; recommendations regarding construction, rehabilitation, and site improvements on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99±662, section 106(b)(1); to the Committee on Transportation and Infrastructure.

12670. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Grove City, PA [Docket No. 98±BAA±34] (RIN: 2120±AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12671. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Poughkeepsie, NY [Docket No. 98±BAA±18] (RIN: 2120±AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12672. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: West Palm Beach, FL [Docket No. 98±BAA±6] (RIN: 2120±AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12673. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Acceptance [Docket No. 98±SW±14±AD] (RIN: 2120±AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12674. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Acceptance [Docket No. 98±SW±14±AD] (RIN: 2120±AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12675. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Robinson Helicopter Company Model R±22 Helicopters [Docket No. 98±SW±45±AD] (RIN: 2120±AA66) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12676. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Bell Helicopter Textron Model 412±HC, 205A, 205A±1, 205B, and 212 Helicopters [Docket No. 98±SW±20±AD] (RIN: 2120±AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12677. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace Grand Junction, CO [Airspace Docket No. 98±ANM±17] received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12678. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace Ronald Reagan National Airport, WA [Airspace Docket No. 98±ANR±15] received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
December 19, 1998

CONGRESSIONAL RECORD – HOUSE H12047

12699. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Donner-Werks Gmbh Model Do 27-O-03/04 [Docket No. 97-CE-195-AD] (RIN: 2120-AA64) received November 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

12699. A letter from the Director, Office of Regulations Management, Department of Transportation, transmitting the Department's final rule—VA Acquisition Regulation: Title and Reference Updates (RIN: 2000-A9) received December 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

12700. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 1997 rule—Filing for Veteran's Employment in the Federal Government, pursuant to 38 U.S.C. 4214(e)(1); to the Committee on Veterans' Affairs.

12701. A letter from the Secretary of Labor, transmitting the fourteenth report on trade and employment effects of the Caribbean Basin Initiative, pursuant to 19 U.S.C. 2105; to the Committee on Ways and Means.

12702. A letter from the Secretary of Labor, transmitting the Department's fifth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 1996 to 1997, pursuant to Public Law 104-113 §1124; to the Committee on Ways and Means.

12703. A letter from the Assistant Secretary For Import Administration, Department of Commerce, transmitting the Department's final rule—Countervailing Duties [Docket No. 99-O-155-AD] (RIN: 1660-AS54) received November 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


12706. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule—Notice, Consent and Election Requirements of Sections 411(a)(11) and 417 for Qualified Retirement Plans [TD 8796] (RIN: 1545-AU5) received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12707. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Certain Payments received as Temporary Assistance for Needy Families (TANF)—received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

12708. A letter from the Assistant Commissioner, Examination, Internal Revenue Service, transmitting the Service's final ruling—Coordination of Real Estate Industry Retainage Payable—received December 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII.

Mr. HYDE introduced a resolution (H. Res. 634) appointing and authorizing managers for the impeachment trial of William J. Jefferson Clinton, President of the United States, which was considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

408. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, memorializing the Congress of the United States to enact Congress Roukema's amendment to H.R.4328 which would require the Treasury Department to provide supplemental appropriations for the operation of the State Department of Transportation to waive repayment of any Federal-aid highway funds expended on the construction of...
high occupancy vehicle ("HOV") lanes on Interstate Highway Route No. 287 if the New Jersey Commissioner of Transportation assures the Secretary that the removal of HOV lane restriction on Interstate Route 287 is in the public interest; to the Committee on Transportation and Infrastructure.

409. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 361 memorializing the Congress of the United States to rescind its mandate that the United States Department of Health and Human Services develop a national health identifier and to restrict the use of Social Security numbers to the purposes of Social Security and use permitted by law; to the Committee on Ways and Means.

PETITIONS, ETC.
Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

93. The SPEAKER presented a petition of the Legislature of Rockland County, relative to Resolution No. 500, petitioning the Congress of the United States to oppose passage of the proposed wireless and public safety act of 1998 insofar as it limits local consultation in the siting and building of wireless communications facilities on federally owned property; jointly to the Committees on Commerce and Transportation and Infrastructure.
RECOGNIZING DAN CHRISTIE, CHRISTIE CONSTRUCTION, CHARLOTTE, MI

HON. NICK SMITH
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. SMITH of Michigan. Mr. Speaker, I wanted to take a moment today to recognize Mr. Dan Christie, owner of Christie Construction, for his work on the “House That Congress Built” project in Charlotte, Michigan.

Dan has enthusiastically served as volunteer construction manager and building consultant for several weeks at the construction site and future home located at 521 Monroe. I am proud to say we will dedicate the home this Sunday, December 20, 1998, at 3 p.m.

Mr. Christie generously volunteered his construction expertise to patiently and expertly guide volunteers with varying degrees of experience to construct the house. Not only did Dan donate his vast knowledge, but his time and tools too.

Families selected to receive a Habitat for Humanity home are required to contribute many hours of their “sweat equity” to the construction of their future home. Mr. Christie’s sweat equity, his dedication, hard work and long hours, many times getting to the site after working for his own company all day, is what I recognize and honor today. His investment in this home, neighborhood, Charlotte community, Eaton Area Habitat for Humanity, and perhaps most importantly, the lives of the new homeowners, Julie, Hailey and Skyler Hartig, is to be commended.

Many of my colleagues have been involved in the construction of a Habitat for Humanity home. This year, I was privileged enough to lend my support to three houses in my district. I could not have attempted to help build these homes without the drive, support and assistance of good people like Mr. Dan Christie. The Honorable Speaker of the House, Newt Gingrich, perhaps summed it up best when we kicked off the “House that Congress Built” project last year. “When you help a family grow, as well as build a house . . . when you watch the sense of ownership . . . you understand why this is a great program.”

The Theology of the Hammer, a guiding principle of Habitat, is an appropriate way to describe Dan’s efforts. This theology emphasizes partnerships, bringing people together from all different social, racial, religious, political and education backgrounds, to work together for a common goal. This was never more apparent than working at the Charlotte home site. People were brought together in the spirit of friendship and teamwork, and personal differences didn’t matter. Mr. Christie embodies the spirit of volunteerism and caring and Christian values that drive so many organizations like Habitat for Humanity and allows them to do all the good things they do for others in need in our communities and around the world.

Habitat is founded on the conviction that every man, woman and child should have a simple, decent, affordable place to live, grow and raise their families. Because of Dan Christie, the Julie Hartig family now has such a place to call home.

My wife Bonnie and I would like to offer Dan our most sincere thanks for his dedicated volunteering and assistance in helping build the Eaton Area Habitat for Humanity’s the “House That Congress Built,” at 521 Monroe, Charlotte.

TRIBUTE TO STUDENTS OF CLAUDE PEPPER ELEMENTARY SCHOOL

HON. ILEANA ROS-LEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take a moment today to honor my predecessor, Congressman Claude Pepper, who faithfully and honestly served this House for 27 years. A school in my district bears his name which celebrates his memory of unselfish service and sacrifice. During a recent visit to this school, I enjoyed the lyrics of Claude Pepper Elementary’s school song written by Jerry Little which is here reprinted:

Claude Pepper Elementary, the best school of this century. Look at our great family, I’m as happy as can be. Claude Pepper Elementary, I am an honor. School now is fun for me, it’s a wonderful place to be. Our family includes parents, teachers, and me. There is a dream we will work as a team, we’ll share what we think, give a smile and a wink, believe in ourselves as we grow. The future’s locked in a chest and we hold the key, I know we’ll all do our best. In our families, the future’s locked in a chest and we hold the key. The world is waiting for me.

Claude Pepper Elementary is great! Claude Pepper Elementary, the best school of this century. School now is fun for me, it’s a wonderful place to be. Look and you will see we are family.”

TRIBUTE TO INTER-MILAN

HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. BERMAN. Mr. Speaker, my colleague, Mr. Dixon, and I rise today to congratulate the AYSO, Culver City, Region 19, Boys U12 Division team, INTER-MILAN. Headed by the superb leadership of coach, Ernesto Martin and assistant coach, Chris Labra, INTER-MILAN finished a proud second in entire Boys, Region 19, U12 Division. Coach Martin and Assistant Coach Labra knew how to get things done. Their utter commitment, boundless energy, no nonsense coaching and clear sense of direction are responsible in a large measure for Inter-Milan’s success.

Team members Charles Hicks, Persy Trejo, Michael Case, Cristian Dascalu, Gustavo Sanchez, Steven Bressler, Kenny Perez, Daniel Willis, Dorian Bey, Ernesto Martin Jr., Christopher Labra, Jerry Lara, and Henry Bergmans played hard, tough, competitive soccer. They gave their best efforts at every practice. Each player displayed a passion to improving their individual skills equal only to their determination to improve as a team. Every game played exceeded the skill of the game before. Inter-Milan always demonstrated good sportsmanship.

The enthusiasm and zest for soccer expressed by the team was matched by the commitment and support of the parents. The parents in Inter-Milan dedicated time and energy and kept the team spirit high.

We ask our colleagues to join us today in saluting Inter-Milan, for their outstanding...
On behalf of the people of Michigan, I am honored to recognize and thank Tim Walberg for his outstanding contributions to public service and the state of Michigan.

AMERICAN HERITAGE RIVERS INITIATIVE

HON. HELEN CHENOWETH
OF IDAHO

IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mrs. CHENOWETH. Mr. Speaker, during the 105th Congress I have fought the American Heritage Rivers Initiative (AHRI) with legislation to abolish it, oversight hearings to expose its flaws and a federal lawsuit challenging its illegal establishment.

Repeatedly the Clinton-Gore Administration stated AHRI was not a new federal program and would not result in a new federal bureaucracy and new federal employees. Moreover, it would only be a new approach to help communities gain access to existing federal programs.

The Property Rights Foundation of America, Inc., located in Stone Creek, New York, has recently compiled the partial listing of federal bureaucrats that will be administering AHRI. It is based on the blueprint presented by the Council on Environmental Quality which has always been the lead agency for this new program.

This is only a partial listing and does not include the names of “River Navigators” for each designated river and the five person National Task Force which will consist of federal employees working full time. These names will be available at a later date.

I encourage my colleagues to read this revealing information which illustrates more broken promises from the Clinton-Gore Administration regarding the American Heritage Rivers Initiative.

AMERICAN HERITAGE RIVERS OFFICIAL FEDERAL AND LOCAL CONTACTS REVEALED

INTRODUCTION

The purpose of this directory is to overcome the impediments to citizen participation which have hampered the American Heritage Rivers Initiative. With the knowledge of the identities, agencies, locations and telephone numbers of both the federal contact and the facilitator, as well as the “community” contact, for each of the fourteen American Heritage Rivers designated by the President, citizens should now be able to become informed of the heretofore secret “community” meetings before they are held, and also bring influence toward holding properly notice public hearings.

The American Heritage Rivers program in their region. Citizens should also be warned that the “community” meetings may be led by professional facilitators and conducted by consensus. This means that skills to manipulate meeting outcomes may dominate and that, instead of taking votes, a feeling of agreement will be achieved. Once present, will be the basis for official leadership pronouncements and decisions. Minutes may not be taken. Citizens should make an effort to enable citizens to contact their local representatives, resource users, and other business people from the region who are concerned about the economy, home rule, and private property rights to be informed in adequate numbers. Citizens are forewarned to be ready to issue formal minority reports to the press, the public and their elected representatives about the issues and programs under consideration. They should plan to lead the consensus and committee structure and assignments in directions beneficial to the local economy and respectful of private property rights and home rule.

The full identities and contact information for each member of the thirteen agency American Heritage Rivers Interagency Committee created by President Clinton are included to enable citizens to contact these individuals as well. As soon as they are available, we intend to add to the directory the Navigators for each individual river and the five-person, full-time national Task Force which, it is said, will be created to administer the American Heritage Rivers Initiative.

PART I. THE FOURTEEN AMERICAN HERITAGE RIVERS

Blackstone and Woonasquatucket (RI-MA)—The nomination was made by the Providence Plan.

Community Contact: Michael Creasey Blackstone River Valley National Heritage Coordinator, One Depot Square, Woonsocket, RI 02895, 401-762-0250.

Community Contact: Timothy Walberg State Representative, Michigan, 57th District

Renowned to recognize and thank Tim Walberg for his outstanding contributions to public service and the state of Michigan.
CONGRESSIONAL RECORD — Extensions of Remarks E2353

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

HON. BOB SCHAFFER
OF COLORADO

Urban Development, McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48266, 313-226-7900.


Hanalei (HI)—The University of Hawaii nominated the

Community Contact: Michael Kido, University of Hawaii, 7370 A Kuamoo Road, Kapaa, HI 96746, 808-822-4664.

Facilitator: Dr. James Kent, 970-927-4424.


Hudson (NY)—The nomination was submitted by Governor Pataki.

Community Contact: J ohn Spenser, New York State Department of Environmental Conservation, 21 South Putt Corners Road, New Paltz, NY 12561-1696, 914-332-1835, ext. 369.


Interagency Contact: Jack Frost, U.S. Department of Agriculture, Natural Resources and Conservation Service, Watersheds and Wetlands Division, P.O. Box 96090, Washington, D.C. 20033, 202-720-9483.

Mississippi, Lower (TN/AL/MS)—This designation encompassed two nominations, one from the City of Memphis, Tennessee, which covers the immediately adjacent area plus two small river tributaries, and the City of New Orleans, which includes that portion up to Baton Rouge, Louisiana.

Community Contact: Mayor of New Orleans, La., Terence Hope, Mayor, City of New Orleans, 120 Berdido Street, Suite B606, New Orleans, LA 70112, 504-565-8115.

Facilitator: Memphis: Lt. Troy Taylor, U.S. Coast Guard Reserve, c/o Commanding Officer, Coast Guard Lower Mississippi River, 2 Auc-


Interagency Contact: Jack Frost, U.S. Department of Agriculture, Natural Resources and Conservation Service, Watersheds and Wetlands Division, P.O. Box 96090, Washington, D.C. 20033, 202-720-9483.

Río Grande (TX)—The nomination was submitted by CoRio, an organization formed by local citizens along the Río Grande for the express purpose of seeking American Heritage River designation.

Community Contact: Marjorie Costello, Executive Director, CoRio, 202-586-6210.

Foster, U.S. Department of Agriculture, Natural Resources and Conservation Service, 310 West Bay Street, Suite 220, Jacksonville, FL 32202, 904-360-1786.


Upper Susquehanna-Lackawanna Watershed (PA)—Congressman Paul Kanjorski submitted the nomination which covers 12 counties in northeastern Pennsylvania.

Community Contact: Tom Williams, Office of Congressman Paul E. Kanjorski, Th e Stegmaker Building, 527 North Wilkes-Barre Boulevard, Suite 400M, Wilkes-Barre, PA 18702-5823, 717-825-2200.

Facilitator: Glenn Hanson, Special Assistance Officer, Office of the Director, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, 215-814-2063.


Willamette (OR)—Governor John Kitzhaber submitted the nomination.

Community Contact: Louise Solliday, Office of Governor John Kitzhaber, Oregon State Capitol, Salem, OR 97310, 503-378-3589.

Facilitator: Tim Mealy, The Meridian Group, P.O. Box 4005, 05 Village Place, Dil-


PART 2. THE AMERICAN HERITAGE RIVERS


Department of Housing & Urban Development, Ramirez, Deputy Secretary, Department of Housing & Urban Development, 451 7th Street, SW, Room 10100, Washington, D.C. 20410, 202-708-0123.


A TRIBUTE TO NICHOLAS COGLAZIER

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to Nicholas
Mr. SERRANO. Mr. Speaker, I rise today to congratulate and to pay tribute to Judge Luis Gonzalez, an outstanding individual who has dedicated his life to public service. He was appointed this month Administrative Judge of Bronx Supreme Court and tomorrow, Saturday, December 19, he will be celebrating his appointment in the company of his family and friends.

Judge Gonzalez was born in Manati, Puerto Rico in 1945. His parents migrated to New York City in the 1950’s. After graduating from Eastern Mennonite College in History and Social Sciences, he earned his Juris Doctor from Columbia University School of Law in 1975. I have known him personally for more than 25 years, and I am very familiar with his background, experience, character, and personality. He is a person of the highest personal and professional integrity.

Mr. Speaker, in 1985, Judge Gonzalez was appointed Housing Court Judge in New York City Civil Court. Two years later, he was elected Judge of the Civil Court in Bronx County where he served with distinction until 1992 when he was elected Justice of the Supreme Court in Bronx County. He presided over an Individual Assignment Part (IAP). This month Judge Gonzalez was appointed Administrative Judge of Bronx Supreme Court.

Being the first Latino Administrative Judge in New York State history, Judge Gonzalez is well known and highly respected by his peers and the different communities for this sensibility, professionalism, integrity and sound judgement. On the other hand, his toughness, stubbornness when he feels that the law is being broken is also well known. “An iron hand in a velvet glove” as some would say. His confirmation brings to the Court an outstanding judge at the same time that it expands its ethnic composition.

This is the kind of issue that should be discussed in the classrooms. He is a role model for all Hispanics. Judge Gonzalez has set an example of how success is available for all of those who persevere to achieve their goals. He is an inspiration for many Puerto Ricans and for the people in the Bronx who are trying to break the cycle of poverty.

Mr. Speaker, in my 25 years of public service, 18 in the New York State Assembly and 9 in the U.S. House of Representatives, this occasion is one of my proudest moments. I am very proud of Judge Gonzalez’ accomplishments.

Judge Gonzalez is the proud father of two daughters, Aida and Nydia.

Mr. Speaker, I ask my colleagues to join me in commending Judge Luis Gonzalez for his outstanding achievements and in wishing him continued success as Administrative Judge of Bronx Supreme Court.

DONALD H. GILMER, STATE REPRESENTATIVE, MICHIGAN, 63D DISTRICT

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DONALD H. GILMER, STATE REPRESENTATIVE, MICHIGAN, 63D DISTRICT

Mr. Speaker, I rise today to pay my respects and honor a dedicated civic leader and fine American—Mrs. Mary Claude Gay of Flower Mound, Texas, who died August 5, 1998, at the age of 81.

Mrs. Gay was a prominent local business and civic leader who received many honors and recognition for her service and dedication to both her profession and community. She served on numerous committees and as an officer of the local, state and national associations of Realtors. She received many real estate awards including: 1983 Denton Women’s Council of Realtors’ “Woman of the Year,” 1976 Texas Chapter of the Women’s Council of Realtors’ “Woman of the Year,” 1975 “People’s Choice” Award from the people of Denton and 1969 Realtor of the Year from the Denton Board of Realtors. She was well known as an expert on the Professional Standards of real estate and was a certified instructor for graduates of the Realtors Institute and “Train-the-Trainer”.

As a civic leader she served as the district clerk of Denton County from 1953 to 1959 and on the Denton City Council in 1977. She served as Mayor-Pro-Tem in 1978. She was a founding member of the Denton Benefit League and served in various capacities with many charitable organizations. She received the Otis Fowler Award for being an outstanding citizen by the Denton Chamber of Commerce and served United Way for many years. Ever dedicated to her community, Mrs. Gay remained active in the Real Estate Community until her death. She is survived by her four sons.

Mr. Speaker, as we adjourn today, let us do so in honor of and respect for this great American—the late Mary Claude Gay.

A TRIBUTE TO POUDRE FIRE AUTHORITY

HON. BOB SCHAFFER
OF COLORADO

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the good men and women of the Poudre Fire Authority in Colorado. A competitive team of their top firefighters placed third in the world at the Firefighter Combat Challenge, a grueling test of physical strength, stamina, aptitude and teamwork. Dave Minchow, Tom Champlin, Chad Myers, Jim Pietrangelo, and Ross Reinking earned the best time of any team in the United States in their third place finish. Mark Hettinger, Brandon Garcia, and Ryan Thomas of the Poudre Fire Authority also placed in the top 11 teams for the relay...
ON THE DEATH OF ISABEL HERNANDEZ COLLAZO

HON. JOSÉ SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. SERRANO. Mr. Speaker, it is with great sorrow that I rise to commemorate Isabel Hernández Collazo, a legendary Puerto Rican designer and manager in the garment industry who died at Lincoln Hospital in the South Bronx, New York on Wednesday, December 16.

As most members of this body know, I am a native of Puerto Rico who is extremely proud of his origins. Puerto Rico’s history and its dynamic, multifaceted cultures are a genuine source of joy to all of her daughters and sons.

Isabel Hernández Collazo was born in Coamo, Puerto Rico and migrated to New York in 1927. She was a hardworking woman and we are all proud of contribution to our society and community.

Mr. Speaker, Isabel Hernández Collazo is the mother of film/television producer and actress, Carla Pinza. To my dear friend Carla, I know how difficult it can be when we no longer have with us the people we love the most. Your mother may not be with you physically, but she remains with you through the love she shared with you throughout the years.

Hernández Collazo was the widow of Ramón Rodríguez of Manati, Puerto Rico. She will be laid to rest in Saint Raymond’s Cemetery, besides her husband’s rest.

Mr. Speaker, as we all know, the American experience is an intermingling of people from different lands, with differing languages and customs. American society has been called “a gorgeous mosaic.” Isabel Hernández Collazo’s great contribution was to help polish the majestic Puerto Rican tile of that mosaic. And for that, we all should remember and thank her.


HON. NICK SMITH
OF M I C H I G A N
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. SMITH of Michigan. Mr. Speaker, I wanted to take a moment today to recognize Frank M. Fitzgerald. Mr. Fitzgerald faces term limits and is retiring at the end of this year as State Representative in Michigan’s 71st District. Frank served the good people of Eaton County with distinction for 6 terms.

Representative Fitzgerald was first elected to the Michigan House of Representatives in 1986. From 1992 to 1996 he was the Speaker pro tem of the House State, the second ranking House officer.

Frank chaired task forces on drunk driving, illegal drugs, accountability in government, campaign finance, traffic safety, and the Republican Alliance for Safe Neighborhoods to fight crime and make our homes and neighborhoods safer.

He was the sponsor of Michigan’s first anti-organized crime law and a measure granting prosecuting attorneys the right to appeal judicial decisions.

One of Representative Fitzgerald’s notable accomplishments was his sponsorship of the zero alcohol tolerance law for drivers under the legal drinking age. Recently he had a bill included in legislation to crack down on repeat drunk drivers. He also was a leader to limit youth access to tobacco products.

He worked diligently to protect children from abuse by creating three degrees of “child mis-treatment.” Frank also voted repeatedly to cut taxes and ease homeowners’ property tax burdens with the passage of Proposal A. Fitzgerald helped revive Michigan’s Single Business Tax to help businesses save millions of dollars and create more jobs. He supported welfare reforms to encourage personal responsibility, not dependency on the state. He also supported legislation giving school boards and parents more control over the curriculum of their local schools. Representative Fitzgerald worked to establish a legislative ethics commission and a code of conduct for legislators.

Frank is a graduate of Grand Ledge, Michigan Public Schools, the College of William and Mary, and the Thomas M. Cooley Law School in Lansing, Michigan.

He and wife, Ruth, and their two children, Ellen and John, reside in Grand Ledge. The Fitzgerald family is active in Grand Ledge’s First Congregational United Church of Christ, the Girl Scouts, and youth athletic and music activities.

Prior to his election, he practiced law and served as an Assistant Prosecuting attorney in Eaton County, Michigan for three years.

For now, this is the end of a long tradition of Fitzgeralds serving the citizens of Michigan as elected representatives. For over 100 years, a Fitzgerald has served in Michigan government. It started with State Representative, John Fitzgerald in the 1890’s. His son, Frank D. Fitzgerald, served as Michigan’s Secretary of State and went on to be elected Governor of Michigan twice. His son, John W. Fitzgerald, served in the State Senate, on the Court of Appeals, and then as Chief Justice of the Michigan Supreme Court. Representative Frank M. Fitzgerald, whom I am honoring today, is the fourth generation of Fitzgerald’s in public service.

I supported Frank Fitzgerald as a candidate for Attorney General of Michigan. I still believe that he might someday make a wonderful Attorney General for our state and I know he will continue to serve the people in any way he can.

On behalf of the citizens of Michigan, it is my privilege to honor and recognize Frank Fitzgerald, an outstanding American who served his state with great distinction.

I N R E C O N N E C T I O N O F J A M E S R O B E R T M O N T GOM E R Y

HON. RALPH M. H A L L
OF T E X A S
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. HALL. Mr. Speaker, I rise today to pay tribute to a dedicated civic servant and fine American—J.R. Montgomery of Tyler, Texas.

Mr. Montgomery was born September 8, 1912, in Waco, to the late Mr. and Mrs. James Robert Montgomery. He graduated from Texas A&M University in 1933 with a degree in civil engineering and worked for Houston Lighting and Power Co. from 1933–1940. He then served in the Army during WWII as commander of the 259th Field Artillery. After the war, he worked for Humble Oil & Refining Co. (now Exxon USA), from 1946–1974, in various engineering capacities in the Gulf Coast area, Refugio, Houston and Tyler.

Mr. Montgomery retired in 1975 from Exxon as a senior supervising engineer. He served on the Tyler City Council for seven years and as mayor from 1987 to 1991. He was a member of the Cathedral of the Immaculate Conception and served on the board of East Texas Lighthouse for the Blind, United Fund, YMCA membership drives, Boy Scouts of America, Tyler Sister Cities, Friends of the Arts and Tyler Civic Theater. He was also a member of the National Society of Professional Engineers, a former vice-president of the Texas Society of Professional Engineers, Society of Petroleum Engineers of AIME and American Society of Civil Engineers.

Mr. J.R. Montgomery passed away on August 30, 1998. He is survived by his wife, Rosalis, two sons and one grandson. Mr. Speaker, as we adjourn today, let us do so in honor of and respect for this great American—the late J.R. Montgomery.

C O N G R AT U L AT I O N S T O T H E C O L O R A D O B O Y S R A N C H

HON. BOB SCAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. BOB SCAFFER of Colorado. Mr. Speaker, I rise today to congratulate the Colorado Boys Ranch which has been designated the winner of the Samaritan Institute Award for demonstrating “the importance of ethical values through its work.” The Boys Ranch, a residential treatment and education center for troubled youth near La Junta, Colorado, has helped boys for the last 40 years. Operated on a 40-acre site, the Boys Ranch provides education, skills, and counseling. Its innovative programs and individual attention have contributed to the Ranch’s exceptional success rate. One study indicated 21 months following discharge, 80 percent of graduates were living successfully with their families or on their own.

Mr. Speaker, the Colorado Boys Ranch deserves Congress’ recognition for helping kids gain the education, skills, and perspective needed to succeed. A new outlook on life, embedded in ethics, are essential to gaining a good and fruitful life. Skills and education, while important, will not help a troubled child make a break with the past, unless they
are matched with a sense of right and wrong, a regard for others, self-respect, and a willingness to work hard. Private and public entities which seek to help high-risk youth, should emulate the Boys Ranch. We are proud of this Colorado organization which has touched the lives of our children and communities.

EXPRESSING UNEQUIVOCAL SUPPORT FOR MEN AND WOMEN OF OUR ARMED FORCES CURRENTLY CARRYING OUT MISSIONS IN AND AROUND PERSIAN GULF REGION

SPEECH OF
HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 17, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, I am deeply saddened by the events of this week, and my heart goes out to the men and women in uniform and their families who are involved in Operation Desert Fox. We want them to know that America is firmly behind them as they face their most difficult challenges.

To bomb another country is no an easy decision for a president. However, I am convinced that President Clinton had no choice but to respond to Saddam Hussein’s repeated violations of negotiated agreements by launching the strike. The United Nations Special Commission on Iraq (UNSCOM) is responsible for monitoring Iraqi weapons programs and dismantling weapons of mass destruction. The United Nations and the United States have repeatedly demanded that Iraq cooperate with UNSCOM and fully comply with all applicable UN Security Council resolutions. Yet, Saddam Hussein has repeatedly defied the United Nations and refused to keep his promises. He has attempted to restrict UNSCOM’s activities and interfere with the efforts of UN weapons inspectors. This conflict is not with the Iraqi people. It is with Saddam Hussein—a dictator who has repeatedly threatened his neighbors, defied world public opinion, oppressed his own people, violated their basic human rights and used weapons of mass destruction against innocent civilians. I sympathize with the suffering of the Iraqi people and I am hopeful that this military action will be completed with minimal loss of life.

No matter what difference we may have domestically regarding the President, this is clearly not a time for partisan politics and divisive language. We must stand united behind our troops and assure them that the American people are with them in this tragic time of crisis. I am hopeful that this mission may be completed quickly and without the loss of American lives and that our fighting men and women may be able to return home to their families in time for the holidays.

TRIBUTE TO RAFAEL ALBERTO WAGNER
HON. JOSÉ E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Rafael Alberto Wagner, an outstanding individual who has devoted his life to his family and to serving the community. Mr. Wagner will be celebrating his retirement from Columbia Presbyterian Medical Center in the company of his family and friends today, Friday, December 18, 1998. He worked for Columbia University for 29 years.

Mr. Wagner was born in the Dominican Republic on June 27, 1935. He came to the United States in 1964 and became a U.S. citizen in 1985.

He worked as a shoemaker until 1969 when he joined the Faculty Services Department at Columbia University.

Mr. Wagner is married to Carmen Maria Wagner and they have three children, Claara, Wagner-Anderson, David Wagner and Cindy Altugracia Wagner. They have four grandchildren, Jazmin Janay Wagner, David Wagner Jr., Derek Wagner and Abdel Rolando Anderson II, and look forward to greeting a fifth in March.

Mr. Speaker, I ask my colleagues to join me in wishing a happy retirement to Mr. Rafael Alberto Wagner.

IN RECOGNITION OF RUSSELL EUBANK
HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. HALL of Texas. Mr. Speaker, I rise today to pay my respects to and honor a man dedicated to his community, his family and his church—Mr. Russell Eubank of Canton, Texas.

Mr. Eubank was born June 8, 1918, in Hamilton County to the late Mr. and Mrs. Robert Lee Eubank. He grew up in Wills Point, Texas, and was salutatorian of the 1936 graduating class at Wills Point High School. Mr. Eubank received a B.A. degree from North Texas State College. He then finished mortuary school in Dallas before entering the U.S. Navy in 1942. In 1946, at the end of the war, Mr. Eubank returned to Canton to operate the Eubank brothers’ businesses. Active in several organizations, in 1968-69 he served as president of both the Texas Cemetery Association and the Texas Association of Life Insurance Officials. He also served on the local school board, city council and did other civic work as well.

Honored for his commitment to the community Mr. Eubank received the Man of the Year Award of Van Zandt County in 1990 and the Canton Chamber of Commerce Outstanding Citizen Award in 1979. A member of the Masonic Lodge No. 141, AF&AM, Mr. Eubank also received the Golden Trowel Award. Mr. Eubank was also a 50-year member of the Lions Club, a Mason and a Long time member of the First Methodist Church of Canton.

After a long illness, Mr. Eubank passed away at his Canton residence on June 20, 1998. He is survived by his wife, three sons and ten grandchildren. Mr. Speaker, as we adjourn today, let us do so in honor of and respect for this outstanding East Texan—the late Russell Eubank.

A TRIBUTE TO JUSTIN MERTENS
HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to a fine young man in my district, Mr. Justin Mertens, of New Raymer, Colorado, won the national Future Farmers of America, or FFA, award for Diversified Crop Production. Growing up on his family’s dry land farm, Justin learned the importance of agriculture at an early age. He started by learning to drive a tractor. Soon, he hopes to earn a degree in diesel mechanics, buy more land and join his family enterprise. Hopefully, he will pass along his skills to future generations of farmers. Mr. Speaker, agriculture remains the backbone of American society. In Colorado, agricultural exports contribute greatly to the economy, feed our families and provide open space and wildlife habitat. I commend Justin for his fine work, and hope that many will follow his example.

WYCKOFF HEIGHTS MEDICAL CENTER RECEIVES ACCREDITATION WITH COMMENDATION FROM JOINT COMMISSION ON THE ACCREDITATION OF HEALTHCARE ORGANIZATIONS
HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the notable achievements of Wyckoff Heights Medical Center (WHMC) in Brooklyn, New York. As a 1998 recipient of an Accreditation with Commendation from the Joint Commission on the Accreditation of Healthcare Organizations, the nation’s oldest and largest accrediting body, WHMC has been recognized as a superior health care provider.

This Accreditation with Commendation is a significant achievement that recognizes WHMC’s exemplary performance for providing quality care in the borough of Brooklyn. Formed in 1951, the Joint Commission evaluated and accredited almost 11,000 hospitals and home care agencies, and over 7,000 other health care organizations.

As the Representative of the 10th Congressional District of Brooklyn, I am extremely proud of these dedicated men and women. Under the vigorous leadership of Dominick J. Gio, President and CEO, WHMC is poised to lead the nation into the new millennium. WHMC employees at both the main campus and ambulatory sites go the extra mile on a daily basis in order to provide the best possible health care to its patients. This award highlights the fact that WHMC is a shining star in the world of healthcare.
Mr. Speaker, it is with great pride that I ask my colleagues to join me in saluting Wyckoff Heights Medical Center for its tremendous achievement.

HONORING JUDITH VIERA
OF WYND COMMUNICATIONS
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mrs. CAPPS, Mr. Speaker, I rise today to congratulate Judith Viera of my district on the Central Coast of California for the recent commendation she has received from Telecommunications for the Deaf, Inc. Ms. Viera is appropriately being honored for a lifetime commitment to expanding access to telecommunication services for the deaf and hard of hearing community.

Deaf herself, Judith Viera has been dedicated to the deaf and hard of hearing individuals for more than thirty years. In 1965, Ms. Viera graduated from Gallaudet University and immediately began her life of public service and bettering the life of others.

Among her many contributions is her work with Governors Brown and Deukmejian to establish California's Telecommunications for the Deaf advisory council. Ms. Viera is appropriately being honored for a lifetime commitment to expanding access to telecommunication services for the deaf and hard of hearing in California, which subsequently lead to many other states adopting the same policy.

Also, Ms. Viera founded the NorCal Center on Deafness which is committed to assisting people who are deaf or hard of hearing with communications services, independent living skills, and social services.

Judith Viera served as program manager at the California Department of Rehabilitation where she successfully advocated legislation which contributed to providing telecommunication equipment and services to the deaf and hard of hearing community. She was also appointed as the first and only deaf member to the National Exchange Carriers Association Interstate Telecommunications Relay Services Advisory Board which assists telecommunications providers in receiving compensation for the cost of interstate relay services.

Ms. Viera's most recent service has been as vice president of business development for Wynd Communications in San Luis Obispo, CA. Wynd Communications, which was founded in 1994, is a pioneer in providing wireless telecommunications services to the deaf and hard of hearing throughout the nation.

I am truly honored to have Ms. Judith Viera as one of my constituents. She is an example of selfless commitment and altruistic dedication to a very meaningful cause, opening the bounties of our country to all of its citizens.

WHAT MATTERS TO COLORADANS
HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to Morgan County Commissioner Cindy Erker for her fine achievements and hard work on behalf of the people of Morgan County, Colorado. Ms. Erker was named the 1998 County Commissioner of the Year by Colorado Counties, Inc. This prestigious award belongs to Ms. Erker due to her exceptional ability to serve, even in times of adversity. Her peers selected Cindy for the award at the Colorado Counties winter conference. This is the second time she has been recognized for her dedication and hard work. Responsible for pulling the community together to adopt an important drainage plan to avoid disastrous flooding in Ft. Morgan, Cindy was named the Freshman County Commissioner of the Year in 1991 by Colorado Counties, Inc. Mr. Speaker, I commend Cindy Erker for her perseverance, determination and leadership.

VICE PRESIDENT AL Gore's TRIBUTE TO HIS FATHER, SENATOR ALBERT GORE, SR., OF TENNESSEE
HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. LANTOS. Mr. Speaker, on December 5, Albert Gore, Sr.—who served 14 years as a member of this House and another 18 years as a member of the United States Senate—died at his home in Carthage, Tennessee. I knew Senator Gore, Mr. Speaker, and I have great respect for this distinguished gentleman and distinguished public servant.

During his 32 years of service in the Congress, Senator Gore established a legacy that all of us can envy. He was the principal Senate author of the legislation that created the Interstate Highway System which was adopted by the Congress in 1956. He was a voice of reason and honor in supporting civil rights at a time when few southern political leaders would dare to take such a principal stand. He expressed his opposition to the war in Viet Nam, and that courageous position ultimately cost him his seat in the Senate.

Mr. Speaker, I had the honor of attending the Memorial Service for Senator Albert Gore, Sr., in Nashville on December 8. On that occasion, our Vice President AL Gore delivered a moving eulogy to his father. No finer tribute could be paid to any father than the honor which Vice President Gore paid to his father last week. Mr. Speaker, I ask that the Vice President's remarks be placed in the Record, and I urge my colleagues to read them and join me in celebrating the life and legacy of Senator Gore.
Murfreesboro State Teachers College, and
As many have said since his passing, he was
with the italic note: "archaic." (Laughter.)

challenge him on the words I was certain
of certain words. For example, instead of
as I grew older, at his unusual pronunciation
raciously and taught himself to use language
him Professor Gore. (Laughter.) He read vo-

icipline absolute, there was love in our family
up in what he described as a self-giving, self-
ways a farmer, and he became a statesman.

My father's boyhood dreams were taken by
and a senator, and then Secretary of State.

friend of Cordell Hull who, of course, later
son County, Tennessee. His father was a

fore he died. This gift from his dying former
ommending my father as his replacement be-

was mostly baling wire and binding twine.

had an edge to it, too. (Laughter.) Albert.'' (Laughter.) My grandfather's humor

ving range, then put his hand on my father's

her away; she left for Texarkana, put up her
nights. They say opposites at-

and working nights. They say opposites at-
LaFon. She was going to law school by day

Coffee Shop, which stood not 100 yards from
looking for coffee.

drive yet to return from Nashville to
such long days and nights, facing an hour's
tired, but he must have been sleepy after
Schools, and awoke well before dawn to also

continued working in all his free hours, he
learned the lessons of hard times, trucking
livestock to market only to find that they
had sold for less than the hauling fee. The

The Cumberland River for a group of friends
always for working men and women.

fended the right to organize. He was always,

from them the value of a true, loving part-

persuaded her to come back as his wife.

his coffee turned bitter, and eventually he

to market only to find that they
learned the lessons of hard times, trucking
continued working in all his free hours, he

The more Merriman jumped and ran, the

wards Merriman's leg and shouted, "Snake!''
The hook was tied a large black snake he had
killed in the barn before the party guests ar-

Rejoining the circle, he bided his time for a

locked, and then suddenly pointed to-
wards Merriman's leg and shouted, "Snake!''
The more Merriman jumped and ran, the
more determined the pursuing snake ap-
to which several musicians were invited, in-
cluding a traveling mandolin player with one
female leg named, Old Peg, who spent the night in
their home.

My father had just finished the eighth grade
for Old Peg's horse and buggy. Each time he
told this story, the buggy grew more dilapi-
dated. Before long, it had no top; the harness
was mostly baling wire and binding twine.
He counted that scrappy horse's ribs a thou-
sand times for me and my sister, and then
counted them many times again for his grandchildren.

As Old Peg left the sturdy Gore household,
that he was falling apart. As the
impovery picker wobbled precari-
ously down his less-traveled road, my grand-
father waited until he was just out of hear-
ing. Then he put his arm around the child's
shoulder and launched a sentence that made
all the difference: "There goes your future,
Alber.'" (Laughter.) My grandfather's humor
had an edge to it, too. (Laughter.)

Don't ever doubt the impact that fathers
have on their children. Children with strong
fathers learn trust early on, that their needs
are met. We can teach them that they have
value. They can afford to be secure and
confident. They will get the encouragement
they need to knock on going through any
rough spots they encounter in life. I learned
all those things from my father. He made all
the difference.

Boys also learn from their fathers how to
be fathers. I know I did. When my father
first ran for Congress, as the age of 29, he
worried that people would think he was too
young. So he vowed to always wear his coat,
and he affected a formal demeanor. With Old
Peg still wobbling through his unknown fu-
fure, candidate Gore vowed also to never
play the fiddle—\n
Which brings me to what was, by our offi-
cial family count, my father's second-most
frequently told story. It's Saturday night in

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There’s a bustle through the door at the rear of the crowd. Three of my father’s musician friends are working their way through the crowd toward the podium, and one of them is my father. He, my father, speaks louder and more rapidly about the evils of tariffs, hoping, he claims, that the fiddle will go away. By now, the fiddle is standing directly in front of him, holding the fiddle in the air, and demanding loudly: “Play us a tune, Albert?” Trapped by this power to unleash his music, and demanding to perform, the fiddle goes wild. My father always chuckled when he delivered his favorite punchline, “They brought the fiddle into town, and Albert cut the fiddle down wherever he went.”

In August, he was elected in the Democratic primary. That was it, because back then no Republicans ever ran. In September he went to Washington with his wife and baby daughter, my sister Nancy, not one year old, and he was invited to play his fiddle in the Oval Office with Eleanor Roosevelt in the audience.

Fourteen years later, when I was four, he moved to the Senate. The incumbent he defeated was not correct. The fiddle opened hands. And I thank God that he taught me to love justice.

We came here this morning from Carthage on old Highway 70, the same road he first took to Nashville 75 years ago. It’s a long way. He’s taking his last trip home – I-40, a part of the 44,000 miles of interstate that he created.

He wrote and passed the first Medicare proposal ever to pass on the Senate floor, in 1965. Once our Democratic landslide, Medicare became law. For more than a decade he controlled all tax policy on the Senate floor, because the majority of his colleagues believed in his innocence, his commitment to fairness, and his keen understanding of the law.

He was the best speaker I have ever heard. When he spoke on the floor the clocko rooms emptied, the galleries began to thin, the pages sat in rapt attention. He had a clarity and force that was quite remarkable. People never wanted to hear the speech, they wanted to know what he said, because they knew that whatever he said he believed with his heart.

Time and again, with the crispness of his logic and the power of his oratory, he moved his listeners to adopt his opinions and cheer. Indeed, in his very first speech on the floor of the House of Representatives in 1939, the next day The New York Times reported that his remarks—and I quote—“stopped the show, and received an ovation of proportions such as are usually reserved for elder statesmen.” His speech changed enough votes to defeat the bill he opposed. That’s what happens when you bring the house down.

Keeping alive the tradition of Hull, he fought tirelessly for reciprocal free trade—and he always emphasized that word “reciprocal.” It is a very different concept than, as saying, “When goods do not cross borders armies do.”

He was an early supporter of Israel. As chairman of the Foreign Assistance Appropriations Subcommittee, in 1948, he authored and passed the first American aid to the new Jewish state. He was the nation’s leading exponent of the treaty banning weapons from space. He led the fight to negotiate and ratify the Anti-Ballistic Missile Treaty, an agreement which was a turning point in the nuclear arms race.

And of course, he was an early, eloquent, and forceful opponent of the Vietnam War—and it cost him his seat in the Senate.

My father was brave. I mean really brave. He opposed the poll tax in the ‘40s, and supported civil rights in the ‘50s. By the time he was in his final Senate term, I was old enough to understand clearly the implications of the choices he made when he repeated, and often, the words of President Lyndon B. Johnson, the then senior director on the board of Occidental Petroleum.

Not everyone was eager to learn. One unreconstructed constituent once said, in reference to the farm, “I don’t want to eat with them, I don’t want to live with them, I don’t want my kids to go to school with them.” To which my father replied gently, “Do you want to go to heaven with them?” After a pause came the flusteredresponse, “Yes, father.”“Then go to heaven with you and Estes Kefauver.” (Laughter.)

And even then, he almost defied the odds and won. But a new ill wind was blowing across the land. And in many ways he was unprepared for the meaner politics that start today. For example, he had a press secretary on his payroll, for 32 years. He was offended by the very thought of using taxpayers’ money to pay the salary of someone whose job was to publically flatter him. (Laughter.)

He preferred to speak plainly for himself. Indeed, many older Tennesseans will tell you that they what they remember most about my father was his Sunday radio broadcast on WSM, where he presented the news from Washington “as I see it.”

The night he lost in 1970, he made me prouder still. He said, defeat may serve as well as victory to show the world and let the story out. And then he turned the Southern segregationist slogan on its head and declared, “The truth shall rise again.”

I heard that. The next day was the first time I ever remember our roles being reversed, the first time I gave back to him what he taught me. We were in a canoe on the Tennessee River, just the two of us. Near to despair, he asked, “What would you do if you had 32 years of service to the people given to the highest of your ability, always doing what you thought was right, and then you had been unceremoniously turned out of office? What would you do?” I responded, “I’d take the 32 years, Dad.”

It’s not correct to say that he went back to his farm; throughout his entire career in public service he never left his farm. He loved to raise Angus cattle. In the audience today are quite a few Angus breeders from around the country who were among his closest friends. It was his recreation. He always said, “I’d rather have a calf in the weeds than a golf ball in the grass.” (Laughter.)

Our farm was also an important school where he taught me every day. He must have told me a hundred times the importance of learning how to work. He taught me how to walk into a cow pen. In the weeds than a golf ball in the grass.” (Laughter.)

He taught me how to milk, to bring the house down.

Our farm was also an important school where he taught me every day. He must have told me a hundred times the importance of learning how to work. He taught me how to milk, to bring the house down.

He taught me how to milk, to bring the house down.

He taught me how to milk, to bring the house down.
part of the country. He developed a real estate and built houses and apartments for rent. He was always busy.

While eventually left journalism and entered politics and was also a source of invaluable advice in my races for the House and Senate, and later when I ran for President he personally worked in every single county in both Iowa and New Hampshire. I constantly run into people in both states who know him well, not from his days in the Senate, but from his days as a tireless octogenarian campaigner.

In 1992, when then Governor Clinton asked me to join his ticket, my father became an active campaigner once again. At the age of 84, he and my mother took their own bus trip that year, and what a crew was on that bus—Alba Barkley, Rubye Gore, Tony Randall, Mitch Miller, and Dr. Ruth. (Laughter.)

He convinced one young man from our campaign to come back to the farm with him. But the fellow soon left, and asked me, how do you tell a man who is working beside you and is 84 years old that you are quitting because it’s too hot and the work is too hard? (Laughter.) I can’t recall if he told me learned the answer to that one when I was still young—you don’t. (Laughter.)

At work he embarked on a major new project—the antique mall and car museum in south Carthage. Two years ago, when he was 89, he was still driving his car. I had great difficulty persuading him to stop. When I asked my friends and neighbors in Carthage to help, one of them said, “Oh, don’t worry, Al, we know your car—we just get off the road when we see him coming.”

Once, though, he didn’t know his own car. He left the store, got in somebody else’s car and drove home. (Laughter.) Carthage is the kind of place where people often leave the keys in the ignition. Luckily, the store owner drove my father’s car up to his farm, left it in the driveway and then drove the other fellow home before he found the store before he knew it was missing. (Laughter.)

There are so many people in Carthage who have bent over backwards to help my parents, especially over the last few years. My family is so grateful for the quality of kindness in Smith County, and we thank you. And on behalf of the Elbert County Delegation for the House, vote to impeach the President; and

So here’s what I decided I would like to say today—to that young boy with the fiddle in Possum Hollow, contemplating his future: I’m proud of the choices you made. I’m proud of the way you stand tall. I want you to be proud of your courage, your righteousness, and your truth. I feel, in the words of the poet, because my father “lived his soul, love is the whole and more than all.”

I’ll miss your humor, the sound of your laughter, your wonderful stories and your sound advice, and all those times you were so happy that you brought the house down.

Dad, your whole life has been an inspiration. I’d take the 91 years—your life brought laughter, your wonderful stories and your faith, your love of country, your respect, your kindness, your understanding, your compassion and your service. You’ve done all that in your life. (Applause.)

ELBERT COUNTY RESOLUTION 98-112

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado, Mr. Speaker, over the course of the past few weeks, I have received numerous contacts from constituents regarding the matter of today’s impeachment question.

On Wednesday, the Board of County Commissioners for Elbert County, Colorado adopted a resolution calling upon the House to decide in favor of impeachment of President William Jefferson Clinton. Mr. Speaker, as Colorado’s Fourth Congressional District Representative, and on behalf of the people of Elbert County, Colorado I hereby submit for the RECORD a full and complete copy of the Resolution adopted by Chairman John Dunn; Vice Chairman Ralph Johnson; and Commissioner Daniel A. McAndrew.

I further call upon my colleagues to carefully consider the thoughtful commentary, opinions, and findings of the Elbert County Commissioners. Finally Mr. Speaker, I extend my most sincere thanks to the Elbert County Commissioners for assisting the Congress in resolving this great question facing our beloved nation.

STATE OF COLORADO, COUNTY OF ELBERT

At a regular meeting of the Board of County Commissioners of Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 18th day of December A.D. 1998, there were present: John Dunn, Chairman; Ralph Johnson, Commissioner; Ralph Johnson, Commissioner Vice Chair; Daniel A. McAndrew, Commissioner; and Geri Scheidt, Deputy, Clerk to the Board. When the following proceedings, among others were had and done, to wit:

RESOLUTION 98-112—CONSTITUTIONAL SUPPORT RESOLUTION

Whereas, elected official are sworn to uphold the Constitution; and

Whereas, the President is the highest elected official in the land; and

Whereas, all House and Senators are sworn to uphold the Constitution; and

Whereas, the Board of County Commissioners, as elected officials, are duly sworn to uphold the Constitution. Be it therefore Resolved, the Board of Elbert County Commissioners do hereby request that the Colorado Delegation for the House, vote to impeach President Clinton, and be it further Resolved, the Board of Elbert County Commissioners do hereby request that the Senate consider the evidence presented by the House and vote to impeach President Clinton, and be it further Resolved, the Board of Elbert County Commissioners do hereby request that the Senate consider the evidence presented by the House and vote to impeach President Clinton.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote: John Dunn, Chairman, Aye; Ralph Johnson, Vice Chairman, Aye; and Daniel A. McAndrew, Commissioner, Aye.

EXpressing unequivocal support for men and women of our armed forces currently carrying out missions in and around Persian Gulf region

SPEECH OF
HON. CHRISTOPHER J. JOHN OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, December 17, 1998

Mr. JOHN. Mr. Speaker, I rise today to express my support for the American men and women who are putting their lives on the line in the Persian Gulf to protect our nation and the world from the threat being posed by Saddam Hussein’s arsenal of terror. Sadly, Saddam Hussein again calls for the commitment of the United States and our allies to prevent the proliferation of weapons of mass destruction in Iraq by blocking the United Nations Special Commission (UNSCOM) from inspecting suspected sites and restricting its ability to review evidence.

Nobody in this chamber wishes harm on the people of Iraq, but the repeated refusal of Saddam to comply with the conditions of the 1991 cease-fire poses a clear and present danger to the national security interests of our nation. I stand by the decision of the President and his national security advisors to launch a military strike against Iraq and condemn Saddam for forcing this upon his people. There can be no doubt that decisive military action is justified and that Saddam bears full responsibility for these actions.

As the leader of the world community, the United States must remain vigilant in our efforts to expose and destroy Iraq’s chemical, biological and nuclear capabilities. The UNSCOM inspectors are a critical tool in accomplishing this objective. With the UNSCOM report released only days ago and Islamic opposition to the American occupation of Ramadi beginning this weekend, the timing of U.S. air strikes were critical to the success of this mission. We can only hope that U.S. and British military forces in the Persian Gulf can accomplish what repeated efforts at diplomacy could not.

I want to express my gratitude to our soldiers, sailors and pilots who are carrying out this vital effort and tell their families that our thoughts and prayers will be with them during this holiday season. I offer my unequivocal support for their just cause and pray for their quick and safe return.

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HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Friday, December 18, 1998

Mr. BOB SCHAFFER of Colorado, Mr. Speaker, I rise today to pay tribute to Kory Kessinger of Akron, Colorado who has earned the prestigious American Future Farmers of America Degree.
Thursday, December 17, 1998

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of this resolution. I fully support the men and women of our Armed Forces who proudly serve this Nation in the Persian Gulf. I am certain that our Nation stands behind them one hundred fifty percent, and I salute them for their hard work, patriotism, and courage.

Saddam Hussein has been tolerated for far too long. We have tried to talk to him, and we have tried to reason with him, but to no avail. He continues to break promises and threaten the security of the civilized world. As that old adage goes: "Talk softly and carry a big stick." It's time to stop talking. He has terrorized too many innocent people for far too long, and he has humbled his nose at the civilized world. He fancies himself a leader, but in reality, he is a ruffian and a thug who possesses a dangerous arsenal of lethal weapons and the will to use them for his own megalomaniacal purposes. This time, we should not be there to appease him. We should, once and for all, remove Saddam Hussein from Power.

I support this resolution, and I urge my colleagues to do the same.
There are over 1,138 species listed under the Endangered Species Act. None have conclusively recovered due to it’s passage. To reestablish the ESA as the vanguard against extinction, we must reform it by ensuring all decisions are based on sound science, and recovery efforts include land owners, state agencies, and local leaders. Absent these simple precepts, even Secretary Babbitt’s best laid plans for the Preble’s mouse are certain to go awry.

**THE STARR TRAP**

**HON. PETER DEUTSCH**

**OF FLORIDA**

**IN THE HOUSE OF REPRESENTATIVES**

*Friday, December 18, 1998*

Mr. DEUTSCH. Mr. Speaker, as we consider the gravity of the constitutional matters before the nation today, I commend my colleague’s attention to an important column by Anthony Lewis which appeared in the Washington Post on Monday, December 14, 1998. I insert the full text of that column in the RECORD.

**THE STARR TRAP**

(By Anthony Lewis)

Boston—At 1 P.M. on Friday, Jan. 16, Monica Lewinsky arrived at the Ritz Carlton Hotel in Pentagon City to meet Linda Tripp. What happened then is well known. But its significance—its crucial significance—is not generally understood.

Ms. Lewinsky was confronted by F.B.I. agents and Kenneth Starr’s assistant prosecutors. She immediately told them, as she testified later, that “I wasn’t speaking to them without my attorney.”

Her attorney was Francis D. Carter. When she was subpoenaed by Paula Jone’s lawyers, she told him that she had not had “sexual relations” with President Clinton; Mr. Carter prepared, and she signed, an affidavit to that effect.

Mr. Starr’s agents did everything they could, short of physical force, to keep Ms. Lewinsky from calling Frank Carter. They told her that he was a civil rather than a criminal lawyer “so he really couldn’t help me.” (That was a lie; Mr. Carter is a highly regarded criminal lawyer who for six years headed Washington’s public defender service.) They gave her the number of another lawyer and suggested she call him.

They told her that she could go to prison for 27 years. They offered to give her immunity if she would cooperate, but said there would be no deal if Mr. Carter were called in. (A Federal regulation forbids immunity negotiations in the absence of a suspect’s lawyer.)

Why were Mr. Starr’s deputies so anxious to keep Mr. Carter from testifying? On that Friday afternoon Mr. Carter had shown the affidavit to the President when he was deposed in the Jones case the next day.

If Ms. Lewinsky had called that afternoon, Mr. Carter told me that he “would not have been sent.” But there was no call. At the end of the business day it was sent to the court in Little Rock by Federal Express.

Under the rules, that was a filing.

Mr. Carter had shown the affidavit to the Jones lawyers and to Robert Bennett, President Clinton’s lawyer. If he had not filed it, he said, “I would have told them.” So Mr. Bennett would have known of Mr. Starr’s interest in Monica Lewinsky. The President’s deposition on Saturday would have taken another course or been canceled, and the history of the last 10 months would have been very different.

(Did the President or Ms. Lewinsky in fact commit perjury when they swore they had not had “sexual relations”? Perjury, a complicated legal concept, requires among other things proof of deliberate falsehood. In a conversation with Linda Tripp unrelated to any threat of prosecution, Ms. Lewinsky had said emphatically that “having sex” meant “having intercourse”—not oral sex.)

The right to a lawyer is fundamental in our constitutional system. A person accused of crime, the Supreme Court said in the Scottsboro Case in 1932, “requires the guidance of counsel and the aid of interested parties.” A few recent legal examples foretell of what we can anticipate in Colorado.

In Massachusetts, environmentalists sued the state for merely licensing fishermen who used certain kinds of lobster traps because the traps actually worked. In Florida, one radical environmental group sued in the name of Loggerhead Turtles because they believed aggressive local actions to curb beach-front light- ing were enough. It didn’t matter that the county did everything in its power to protect sea turtles. Environmentalists sued, and won, but the turtles are no better off now than they were before.

Despite Babbitt’s prose about species “wrig- gling off the list”, and a happy working part- nership of ranchers, environmentalists and bu- reaucrats, the ESA will— as it has always done—enrich lawyers rather than protect mice.

Despite Babbitt’s whoopin’ is a high price for candor.”

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to introduce for the RECORD, an article published by Kent Holsinger of my staff. “Public Figures can pay a high price for candor” appeared in the December 10, 1998 Denver Post. Mr. Holsinger’s analysis of how public speaking, delivered through the media, affects public sentiment to- wards government is particularly relevant as we consider tomorrow whether to impeach the President of the United States. I urge my colleagues to keep the following in mind as we delivered our messages to the voting public.

Public cynicism towards government may stem from the difficulty politicians and public figures have giving forthright answers to difficult questions. Behind the cynicism is a com- plex, and dynamic saga of American politics and culture. In the midst of this saga, the media’s role and the role of public figures and the public. As the nature of reporting has changed dramatically with the information age, so too has the nature of public speaking.
History was made by public statements of public figures. Before polters, media consultants and ghost writers, great orators like Daniel Webster, Henry Clay and John C. Calhoun mesmerized their audiences in the halls of Congress, thus securing their roles in the nation's history. People rushed to the Capitol, filled the galleries and watched the great orators in person. Of those, Daniel Webster's speech on the Senate floor for a united country, one liberty and one people, is among the most famous in American history. Webster proclaimed that public speech, while it may be manipulative or so-called "plausibility," "[I]t must exist in the man, the subject, and in the occasion."

But are those principles of dialogue maintained in modern times? How public speech is delivered, and reported has changed dramatically over time. Modern reporting is instantaneous and relentless. Paparazzi pursue celebrities with cameras and microphones, while news is beamed continuously to households around the world, around the clock. To cope with modern reporting, media advisors and press secretaries craft skillful, but evasive, replies for their bosses. Throughout the Monica Lewinsky scandal, President Clinton has emerged as a master of evasiveness and media "spin" on the political battlefield. Why don't public figures just speak their minds? They may be taking their lessons from what rash public statements have done to others before them.

On the real battlefield, General George S. Patton, Jr. swept the Third Army through Europe and helped secure an allied victory in World War II. Characterized by his gruff personality and hard demeanor, Patton de-manded strength and discipline from his men. Inwardly, he studied philosophy and wrote poetry; but outwardly he was ruthless and offensive. He may have carried his troops more than once by determination alone. Never afraid to speak his mind, Patton once was asked by a preacher whether he ever managed to read from the Bible he kept on his nightstand. "Every—damned day," Patton replied.

At times hated and loved by his men, Patton commanded loyal troops who performed the impossible during the war. His fierce determination to pursue and conquer the enemy, coupled with his unapologetic prose was at times glorious and disastrous. He was one of the greatest tacticians and generals of the United States has ever seen. General Patton led his armored units with speed and daring, his philosophy: "Catch the enemy by the nose and then kick him in the pants." This philosophy carried the Third Army across more territory and captured more prisoners than any other army in American history.

Patton, as battlefield commander, enjoyed unparalleled success. Patton, as a public figure, suffered greatly. Many times his brash, unapologetic statements, made off the record, ended up as newspaper headlines. His statements about fighting the Russians to free Eastern Europe and using ex-Nazi's during reconstruction were hotly criticized. Those controversial, but matter-of-fact statements were said quietly, or in private. But they eventually cost one of our guest generals his command of the Third Army.

It is true today's public figures sometimes hesitate to speak their mind. Modern reporting, often geared towards sensationalism, creates that need for evasiveness and spin in public speaking. This dichotomy fuels public cynicism and distrust. But sensationalism sells. So long as it does, public figures will guard their words, and the public long for heroes, like Patton, whom are unafraid to speak their minds.

TRIBUTE TO PROFESSOR SUSAN PFUEHLER

HON. DAVID E. BONIOR OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1998

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute and congratulate Susan Pfuehler on a distinguished career as a Theatre Professor at Eastern Washington University in Cheney, Washington. I have come to know Susan as the mother of one of my staff members, and have had the privilege to learn and hear about her from her son. I know that he is very proud of her.

From Susan's days as a child, growing up on a small turkey farm in rural western Illinois, she displayed a flair for the dramatic. Her reading about a "runty" pig earned her local accolades and launched her career in theatre. Susan was one individual who knew her calling at a young age and pursued it full tilt. Once she graduated from her local college in Monmouth, Illinois, she headed across the Mississippi River to the University of Iowa for her masters degree. Although she had hard times there a few years, we are proud to count her among our alumni.

After a short teaching stint at the University of Arizona, Susan and her husband found themselves in the small town of Cheney where she made her career as a professor and raised her family. Some might say Susan was among the original feminists—those strong women who raised their families. Some might say Susan was one of the most famous in American history. Webster proclaimed that public speech, while it may be manipulative or so-called "plausibility," "[I]t must exist in the man, the subject, and in the occasion."
Wednesday night and in a number of press briefings since then, Administration officials insist that Mr. Clinton made the decision to strike based on the U.N.’s finding of non-compliance. My question is: which version is it? Did they decide it on Sunday or did they decide at the last minute, under pressure to ensure that they had the votes? Red Flag #3—Generally, I agree with what the President said on Wednesday night, the problem lies in the fact that it is old news. In some ways it’s old news over the last year, and it certainly has been reinforced several times over the last several months. Scott Ritter, a former United States Marine Corps officer and Gulf War veteran, resigned his post on the U.N. Inspection Team in August. In September he testified before Congress on the reasoning behind that resignation. In both his testimony and his resignation, Mr. Ritter’s reasoning and facts were the same that the President suggested—providing protection on Wednesday. In fact, since mid-November, the Iraqis have thrown a series of impediments in front of the U.N. inspection teams. As you might remember, the inspections team returned to Iraq on November 17th and within days their efforts were stymied. In November 28th, November 29th, December 4th and December 9th the Iraqis hampered our efforts. The government of Iraq thwarted UN Inspection Teams in a number of different efforts ranging from proposed schedule of work to inspection of different sites. The White House knew about each of these incidents and in fact, Richard Butler produced two interim reports. Suddenly, this week, the Administration has painted Saddam Hussein as a “clear and present danger” when his actions are no different now than they were last year or earlier this year.

Red Flag #4—I am struck with the unconventional use of force. Any of the Pentagon folks that I’ve been around over the last several years have suggested that the American military forces are overwhelming forces at the beginning of engagement to minimize the risks of casualties to Americans. That certainly is not the case in this present conflict with Iraq. In 1991, we had a full six carrier battle group in the Persian Gulf. Today, we have just one. Even on November 15, the date of our last staredown with Saddam, we had 2 carrier battle groups in place in the Persian Gulf. Now, we are told by Secretary Cohen, another carrier battle group is on the way and will be there by the weekend and that more aircraft are on the way. This raises another question: Is our policy one of asymmetry, the asymmetry of force, the asymmetry of power, the asymmetry of numbers? If so, this pin prick effort is sure not to do any great damage to Saddam. Using 2,700 aircraft in a 42 day engagement, he stayed in power. Does he have to do more than hide for a few days if he knows an engagement is going to be curtailed by a religious holiday?

Red Flag #7—With air strikes limited to just a few days, what is the outcome we hope to get? We were told that we want to thwart his ability to produce weapons of mass destruction and yet the very nature of biological or chemical weapons makes them very difficult to detect. If one was charged with hiding gallon-sized milk jugs across the state of Texas, and then someone else 30 days later was charged with bombing those gallon milk jugs, my bet is that at the end of the month there would be plenty of well-hidden milk jugs absolutely unharmed. Similarly, we can tear down buildings maybe 4, maybe 40, maybe 400, but if they are not buildings that weaken the military capability of the enemy, his access to strength, then it will do little to no good. If we’re serious about this we ought to be aiming for his Republican Guard and other pieces of the formula that’s keeping him in power. There are no clear efforts to weaken these components of his power.

In summary, as you walk through these red flags, too many of them suggest that the timing of this engagement may have been politically motivated. I think we should make every effort to ensure that even the appearance of that politicization doesn’t come back to rest on the shoulders of American troops. We can do better than that and the men and women of our armed services deserve it.

TRIBUTE TO CONGRESSMAN GLENN POSHARD

HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Saturday, December 19, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the public service of my very good friend, Congressman GLENN POSHARD.

GLENN and I were elected to Congress during the same year, 1988, and worked together as a team to represent the 22nd and 21st Districts of Illinois until those districts changed in 1992. Since then, GLENN has represented the 19th District and I have represented the 12th District, which covers a large amount of territory formerly in GLENN’s old congressional seat.

I can tell you that there is no one in Southern Illinois who is held in higher esteem than GLENN POSHARD. During his race for Governor in 1998, GLENN ran a race that made all of his colleagues and Illinois Delegation proud. However, I can tell you that the constituents in my district who know and love GLENN POSHARD were also very proud of his congressional service and his race for Governor.

GLENN has always been a unique representative. He made the decision early in his congressional career to refuse money from political action committees, a commitment he made as well in his race for Governor. He imposed on himself a term-limit of five terms in Congress, which he fulfilled by leaving at the end of this term of Congress. In his time in Congress he approached his work with a quiet dignity, working hard for the people of his district while promoting those policies he thought best for the entire nation.

His sources of inspiration have been those individuals who overcame difficult circumstances to excel, including his parents, and notable public figures like Lech Walesa and Nelson Mandela. GLENN was born poor in Southeastern Illinois and rose to achieve a PhD and go on to one of the highest honors an individual can attain in the United States—to serve his fellow men and women in the Congress.

GLENN will leave this Congress with a distinguished record: fighting for a balanced federal budget; increasing the pay, working conditions and health care for working men and women; protecting the Constitution and improving the economy of rural America. But he will also leave here with enormous affection and gratitude of his colleagues, and the thanks and devotion of his constituents, who may be seeing the end of his days in the Congress but surely not the end of his public service.

I join my colleagues in saluting the honored service of my good friend, GLENN POSHARD.
Saturday, December 19, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to my good friend, Congressman GLENN POSHARD. Congressman POSHARD has aptly served the Nineteenth Congressional District of Illinois for ten years. During his tenure in the House of Representatives, GLENN has stayed true to his strong morals and has done what was best for his constituents.

With working-class roots of his own, Congressman POSHARD has been one of the most ardent congressional supporters of working-class people. From his days in the House Committee on Small Business and the Committee on Transportation and Infrastructure, POSHARD has also been a guardian of the economic interests of his district. For example, Congressman POSHARD opposed the North American Free Trade Agreement, which he knew would cost many American working men and women their jobs. However, when it became clear that this flawed trade agreement would pass in the House of Representatives despite his opposition, Congressman POSHARD sponsored an amendment to protect the domestic broom industry. There are many broom factories in the Nineteenth Congressional District and they are still thriving today because of Congressman POSHARD.

Congressman POSHARD has a strong moral center that has greatly influenced his congressional career. GLENN is opposed to abortion and has been one of the most impassioned defenders of the unborn. A pro-life Democrat like myself, Congressman POSHARD has worked to protect the lives of the unborn and has worked to make the Democratic Party more open and welcoming to pro-life members. As a former teacher, GLENN has also worked to protect the needs of children. GLENN voted for welfare reform in 1996 but only after carefully satisfying himself that the needs of children were addressed.

Throughout his service in the House of Representatives, GLENN POSHARD has fashioned himself as a citizen legislator. Since his first term in Congress, GLENN has shunned contributions from Political Action Committees. Instead, GLENN has relied on the support of his constituents. As he promised when he was elected in 1988, Congressman POSHARD is leaving after five terms so that "other folks have their shot at solving the problems."

My colleagues in the House of Representatives and I will miss GLENN POSHARD. He is a gentleman, a statesman, and even a poet on occasion. Most of all, however, he is a good friend. Thank you, Congressman POSHARD, for all of your hard work and support throughout your ten years in Congress. Congratulations on your numerous accomplishments which are too numerous to list here. And, good luck with all your future endeavors.

A TRIBUTE TO GLENN POSHARD

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Saturday, December 19, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to my good friend, Congressman GLENN POSHARD. Congressman POSHARD has aptly served the Nineteenth Congressional District of Illinois for ten years. During his tenure in the House of Representatives, GLENN has stayed true to his strong morals and has done what was best for his constituents.

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A TRIBUTE TO GLENN POSHARD

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Saturday, December 19, 1998

Mr. SHIMKUS. Mr. Speaker, I join my colleagues in honoring the distinguished gentleman from Carterville, Illinois, Congressman GLENN POSHARD.

There are perhaps no two better words to describe GLENN POSHARD than distinguished and gentle. GLENN POSHARD arrived in Washington 10 years ago charged with a mandate to represent the people of his district to the very best of his abilities. I can think of no one who has been a more effective representative for the unique needs of southern Illinois than GLENN POSHARD.

For the people of southern Illinois, he has been a fighter and a tireless advocate. He has broken through the wall of regionalism that separated our State into Chicago versus the suburbs versus the House versus the real downstate of southern Illinois. GLENN POSHARD made people aware of southern Illinois, ex-
helped him maintain his down-to-earth style that was, in many ways, Glenn Poshard’s best attribute.

As a member of the Transportation and Infrastructure Committee, I had the occasion to work on a number of issues with my fellow committee member, Glenn Poshard. He was always approachable and willing to work together on issues that were of vital interest to the State of Illinois. Whether it was aviation or highways, Glenn Poshard was always knowledgeable and ready to do what was best for Illinois.

I am proud to have served in the House with Glenn Poshard. He leaves this House with many friends and many good memories. I wish him all the best in whatever endeavor he chooses to participate.

IN HONOR OF LEONARD SOMDAHL
HON. ELTON GALLEGLY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Saturday, December 19, 1998

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Leonard Somdahl, a good friend and a man dedicated to the economic betterment of his community.

On a day fraught with solemn, weighty and sad decisions, it’s important to recognize the Americans in whose names we vote today. Americans who raise their families and work to make America strong. Leonard Somdahl is one such American.

Leonard Somdahl was born and raised in Minnesota. He moved to the San Joaquin Valley in California in 1946, then migrated south to Ventura County. He worked for McMann Furniture, then went into business for himself. Thirty-one years ago, he started with First American Title Co. He retired from First American in August, but hasn’t stopped working.

I met Leonard during my years in the real estate business. His dedication to his profession and the business community impressed me. In addition to his dedication to First American, Leonard Somdahl took an active role in the Building Industry Association, Ventura County Chapter; the Ventura County Economic Development Association; the Christian Business Men’s Committee in Santa Barbara and Ventura; and the Ventura County Taxpayers Association. As a member of the International Right of Way Association, he held all chairs and ultimately became president of Santa Barbara Chapter 47.

Non-industry groups have also benefited from his generosity. Leonard Somdahl has participated as an active board member and charter member of Network for Housing, a nonprofit group to support affordable housing in Ventura County; is a past member of the Y’s men’s club and a financial support group for YMCA activities; and is a past volunteer for the Cheerleaders Boys Club. He has donated to such groups as Navajo schools in Arizona, the Lions Club, Muscular Dystrophy, the American Cancer Society, the Ventura County Rescue Mission, and City Impact, an organization to help young people get off drugs and improve their self-esteem.

Leonard Somdahl is also a dedicated family man. He and his wife, Ellen, have raised a daughter and three sons. The couple have five grandchildren and three great-grandchildren.

Mr. Speaker, I know my colleagues will join me in recognizing Leonard Somdahl for his decades of service and wish him and his family Godspeed in his retirement.

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Saturday, December 19, 1998

Mr. NADLER. Mr. Speaker, I rise today to honor the memory of a constituent who was beloved in our community, Mrs. Alter Rivka Braun, a”h.

Mrs. Braun was the devoted wife of Rabbi Shlomo Braun, and was the daughter of Rabbi Moshe Yehudah Gross, famous shochet during the last 30 years at Empire Kosher Poultry. She was born in Czechoslovakia to parents who were Holocaust survivors. They fled Czechoslovakia and emigrated to America in 1968. Even under communist rule, Mrs. Braun exhibited strong inner faith and a personal generosity of spirit, accepting everything cheerfully. These attributes remained strong and enduring throughout her life.

Mrs. Braun was very active with ALEH, an organization which provides services to the developmentally disabled. I have visited their facilities in Israel and can attest to the outstanding work they do. In recognition of her dedication to the work of ALEH, Mrs. Braun was memorialized at the annual Aleh luncheon held on May 17, 1998 (21 Iyar).

Additionally, Mrs. Braun spend countless hours each day helping patients in the emergency room at Maimonides Medical Center. She also found time to cook and bake for troubled families, particularly during Passover. She also volunteered in the kitchen, preparing food that she prepared in her own home.

While Mrs. Braun’s home was undergoing renovation, she requested that one room be set aside for hachnasas orchim use, providing a place to stay for a traveler who has no place to stay, which is one of the highest mitzvot. She found great strength in the knowledge that her house was always utilized by guests from all over the world—from Israel, Denmark, France, Mexico, Belgium, and other countries.

During the three years of her illness, Mrs. Braun suffered untold pain. Rabbi Braun, her devoted husband, arranged for the best doctors and tried everything humanly possible to alleviate her illness. Unfortunately, that was not God’s will, and Mrs. Braun passed away on the 27th day of Tishrei, last year. She left behind a family of six children, with four still at home. The youngest, Yaakov, is only five years old.

Mr. Speaker, I have had the privilege of knowing the Braun family for quite a few years. The exemplary lives of Rabbi and Mrs. Braun are truly an inspiration to our neighbors and friends. They are examples of the finest Jewish values. It is fitting that the Braun family is honored at this time.

Mr. Speaker, I rise today to honor the memory of Mrs. A. “K. Braun, and I commend her example to my colleagues.

IN HONOR OF MRS. JUDITH BRAUN
IN THE HOUSE OF REPRESENTATIVES
Saturday, December 19, 1998

Tribute to the Mighty Menominee Maroons of 1998

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Saturday, December 19, 1998

Mr. STUPAK. Mr. Speaker, in the near future several signs will be erected along the main highways entering my home town of Menominee Michigan. Those signs will advise travelers that they are entering the community whose high school has won the 1998 Class BB state football title. Those signs will be a lasting legacy of the Menominee High School team’s accomplishment, but they won’t begin to reveal to the passing motorist the wonderful, personal stories bound with the season-long march to the championship.

Menominee is a football town, Mr. Speaker, with a gridiron tradition reaching back 105 years. Larry Ebsh, a former local newspaper editor and an inveterate sports fan, has called that the Menominee team have played 810 games, with a winning percentage of 61.6—but not one state championship. Thousands of young men have taken the field wearing the maroon jersey, and those signs on the edge of town don’t give a glimpse of those thousands of personal memories of more than 100 seasons of football. I’m sure every one of those former players had a lump in his throat and tears in his eyes thinking of the joyous welcome given to the 1998 Maroon team after their 10-hour bus ride from the Silverdome in Pontiac back to Menominee.

Another great story is that of the coach himself. Ken Hoffer, by Larry Ebsh’s reckoning, has coached 277 of Menominee’s 810 games in a career going back to 1966. His own winning percentage is 68.2, and his teams, running the 1930s-style offense known as the single wing, have averaged 17 points per game.

None of those statistics reveal the great memories of great games that Ken Hoffer and his teams have given Menominee fans, particularly memories of the rivalry between Coach Ken and his son, Coach Chris Hoffer of Kingsford. The powerful Kingsford Flivvers served as an obstacle that the Maroons for years could never quite overcome. When Ken’s team finally defeated Chris’s team last year and Menominee advanced into the playoffs, it was evident that the Menominee team had taken the measure of its most difficult adversary and was well on its way to a championship year. That promise was fulfilled in 1998.

Coach Hoffer says the seeds for final victory were planted early in the season, when the team pledged itself to reach the playoffs. It was a team supremely suited to become a championship team, Mr. Speaker, because it was built around a team ego, not individual egos. This collective ego made the 1998 Maroons a team of destiny. On the first play of the first playoff game, Josh Tabox returned the opening kickoff for a touchdown. Then the Maroon team made a quick run of 27 points in the first five minutes, signaling clearly this team was on its way to the state championship.

Many Menominee residents were on hand in Pontiac for the fulfillment of the championship dream. Along with the cheerleaders and 113 members of the marching band, a steady procession of vehicles sporting “Go Maroons.”
Glenn Poshard leaves the House but not his public service. We need him working for people and the people of this country need him working for them.

A Tribute to Glenn Poshard

Hon. Danny K. Davis
Of Illinois
In the House of Representatives
Saturday, December 19, 1998

Mr. Davis of Illinois. Mr. Speaker, there is no greater experience than to serve with the honorable men and women in pursuit of equality, justice and the making of a better world. Such has been my experience with the Honorable Glenn Poshard who is leaving this body to return to the land of Lincoln where he will be welcomed with open arms.

Congressman Poshard has been an exemplary Member of this body for the past 10 years and such has championed the causes of the poor, veterans, senior citizens, those living in rural America, those in need of good schools, human services, good roads and the opportunities to pursue a good life. Glenn Poshard has represented the best of what it means to be an elected official, fierce loyalty to his constituents, acute understanding of the political process, a willingness to stand on principle for that which he believes in and to continue standing even if it puts him at a political disadvantage. Not only are the people of the 19th District of Illinois going to miss having Representative Poshard to represent them, all of America is going to miss a true public servant. Therefore, I and the people of the seventh District of Illinois extend best wishes to Representative Poshard and his family as they move to new vistas, new challenges, and new opportunities.

Tribute to Dr. Keith F. Olson

Hon. Bob Schaffer
Of Colorado
In the House of Representatives
Saturday, December 19, 1998

Mr. Speaker, I rise today to honor an extraordinary constituent of Colorado’s Fourth Congressional District, Dr. Keith Olson, on his retirement from the Larimer County Mental Health Center (LCMCH). I am privileged to know and have worked with such a talented public servant, dedicated professional, and father.

After 24 years of service in Larimer County, Dr. Olson’s legacy is one of leadership, compassion, and professionalism. He began his tenure with the LCMCH in 1974 as a mental health clinician. Exhibiting the talent and hard work characteristic of his entire career, Dr. Olson soon moved into roles of greater responsibility, beginning with the coordination of the Intensive Management Team, and culminating with the top post at LCMCH: Executive Director. Under his eight-year guidance, the Center attained widely recognized excellence. The many accolades include: 1998 Agency of the Year (Columbine Chapter of the National Association for the Dually Diagnosed); the Joel Webber Award for Excellence in Health Care (El Pomar Foundation Awards for Excellence for Colorado non-profit organizations); national recognition from the Federal Emergency Management Agency for the Center’s Project Rebound, a program assisting the victims of the disastrous 1997 Ft. Collins flood; and the National Association of Counties named the Center’s volunteer program one of the top ten in the nation. Clearly, Dr. Olson inspired the LCMCH to achieve outstanding service to the Ft. Collins area.

While these accomplishments would not have been possible without Dr. Olson, he is the first to say they could not have happened without the interest, enthusiasm and care of his colleagues at the Center and throughout the community. Moreover, the greatest reward for the LCMCH, for the community and for Dr. Olson, was making a substantial difference in the lives and families of men and women suffering from mental illness.

What makes Dr. Olson truly remarkable is his commitment to the mental health profession above and beyond the call of duty, and his devotion to the community and his family. He has created and developed a large number of agreements, partnerships, programs and non-profit organizations. Through these partnerships, Larimer County reaches out to provide access to essential mental health services for the Medicaid population in northern Colorado, give the developmentally disabled population much-needed mental health and psychiatric services, treat children and youth in schools, provide on-site service to needy families. Mr. Speaker, it is interesting to note, Dr. Olson accomplished all of these things with just 50 percent of his hearing. Dr. Olson’s contribution to the mental health profession, to the people of Larimer County, and to the State of Colorado will be missed.
HIGHLIGHTS

The House agreed that Articles of Impeachment I and III as specified in H. Res. 611, Impeaching William Jefferson Clinton, President of the United States for high crimes and misdemeanors, be exhibited to the United States Senate.

Representatives Hyde, Sensenbrenner, McCollum, Gekas, Canady, Buyer, Bryant, Chabot, Barr, Hutchinson, Cannon, Rogan, and Graham were appointed managers to conduct the impeachment trial against the President of the United States pursuant to H. Res. 614.

Senate

Chamber Action

The Senate was not in session today. It is next scheduled to meet on Wednesday, January 6, 1999 at 12 noon.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 1 resolution, H. Res. 614, was introduced.

Page H12047

Reports Filed: No reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaHood to act as Speaker Pro Tempore for today.

Page H11967

Journal: Agreed to the Speaker's approval of the Journal by yea and nay vote of 277 yeas to 125 nays, Roll No. 541.

Pages H11967-68

Impeaching William Jefferson Clinton, President of the United States: The House completed debate on H. Res. 611, Impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors, and adopted Articles I and III.

Pages H11968-H12042

Article I: By a yea and nay vote of 228 yeas to 206 nays, Roll No. 543, the House adopted Article I, of H. Res. 611: In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that: On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate Government employee; (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action. In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the
Article II: By a yea and nay vote of 205 yeas to 229 nays, Roll No. 544, the House failed to adopt Article II: In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has thereby engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding. The means used to implement this course of conduct or scheme included one or more of the following acts: (1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading. (2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding. (3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him. (4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness at a time when the truthful testimony of that witness would have been harmful to him. (5) On January 17, 1998, at his deposition in a Federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge. (6) On or about January 18 and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness. (7) On or about January 21, 23 and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information. In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought discredit on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States. Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.
and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States. Pages H12041–42

Article IV: By a yea and nay vote of 148 ayes to 285 nays, Roll No. 546, the House failed to adopt Article IV: Using the powers and influence of the office of President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the legislative branch and the truth seeking purpose of a coordinate investigative proceeding, in that, as President, William Jefferson 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 for admission propounded to him as part of the impeachment inquiry authorized by the House of Representatives of the Congress of the United States. William Jefferson Clinton, in refusing and failing to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission propounded to him as part of the impeachment inquiry authorized by the House of Representatives of the Congress of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the legislative branch and the truth seeking purpose of a coordinate investigative proceeding, in that, as President, William Jefferson 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 for admission propounded to him as part of the impeachment inquiry authorized by the House of Representatives of the Congress of the United States.

Earlier, Representative Solomon raised a point of order against the Boucher motion to recommit the resolution to the Committee on the Judiciary with instructions to report it forthwith to the House with an amendment to 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 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 Jefferson Clinton, has egregiously failed in this obligation, and through his actions violated the trust of the American people, lessened their esteem for the office of President, and dishonored the office which they have entrusted to him; (2) (A) William Jefferson Clinton made false statements concerning his reprehensible conduct with a subordinate; (B) William Jefferson Clinton wrongly took steps to delay discovery of the truth; and (C) inasmuch as no person is above the law, William Jefferson Clinton remains subject to criminal and civil penalties; and (3) 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.

Representative Solomon stated that the motion to recommit with instructions was not germane to H. Res. 611. The Chair sustained the point of order. Representative Gephardt appealed the ruling of the Chair. Subsequently, the House agreed to the Armey motion to table the appeal by a yea and nay vote of 230 yeas to 204 nays, Roll No. 542. Pages H12032–39

Managers for the Impeachment Trial of William Jefferson Clinton, President of the United States: By a yea and nay vote of 228 yeas to 190 nays, Roll No. 547, the House agreed to H. Res. 614, appointing and authorizing managers for the impeachment trial of William Jefferson Clinton, President of the United States. Page H12042–43

Quorum Calls—Votes: Seven yea and nay votes developed during the proceedings of the House today and appear on page H11967–68, H12039, H12040, H12041, H12041–42, H12042, and H12043. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and in accordance with H. Con. Res. 353 adjourned sine die at 2:36 p.m.

Committee Meetings

No Committee meetings were held.
Next Meeting of the SENATE
12 noon, Wednesday, January 6

Senate Chamber
Program for Wednesday: To be announced.

Next Meeting of the HOUSE OF REPRESENTATIVES
12 noon, Wednesday, January 6

House Chamber
Program for Wednesday: Convening the first session of the 106th Congress.

Extensions of Remarks, as inserted in this issue

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Evans, Lane, Ill., E2367
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Lantos, Tom, Calif., E2357
Lipinski, William O., Ill., E2361, E2365
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Smith, Nick, Mich., E2351, E2352, E2354, E2355
Stupak, Bart, Mich., E2366
Towns, Edolphus, N.Y., E2356
Vento, Bruce F., Minn., E2353

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