

I have always believed that whatever the crisis and whatever the age, the Senate would always attract and produce men and women of the quality and character needed to step up and calm the angry and dangerous seas which might threaten the Ship of State, and dash it on the rocks and shoals.

I still believe that. I still believe that the Senate can restore some order to the anger which has overtaken this country and the chaos which threatens this city. I believe in all of you. I believe that all of the courage and conviction needed to handle any crisis is present right in this room.

But, at this moment, we look very bad. We appear to be dithering and posturing and slowly disintegrating into the political quicksand. And it is no fault of our leaders. Our two leaders have done their level best to get us started toward lancing this inflamed boil in an honorable and orderly way. Left alone, without all of us to contend with, they would have worked these arrangements out long ago.

Of course, I am very fond and proud of my own Leader, Tom Daschle. But, may I say to my Republican friends that I am also very fond and proud of our Majority Leader, Mr. Lott. However, I have been a Majority Leader in this body, and I know too well who gets the blame when important matters flounder in the Senate. It is the Majority Leader and, to a lesser degree, the Minority Leader. And when that happens, neither party looks good.

I feel it to be appropriate at this point to digress from my prepared statement and bring to your recollection Chaucer's "Canterbury Tales," and I shall refer to the "Pardoner's Tale," which most, if not all, of you will remember having read in your school days. The setting took place in Flanders, where, once, there sat drinking in a tavern three young men who were given to folly. As they sat, they heard a small bell clink before a corpse being carried to the grave, whereupon, one of them called to his knave and ordered him to go and find out the name of the corpse that was passing by.

The boy answered that he already knew, and that it was an old comrade of the roisterers who had been slain while drunk by an unseen thief called Death, who had slain others in recent days.

Out into the road the three young ruffians went in search of this monster called death. They came upon an old man, and seized him and with rough language demanded that he tell them where they could find this cowardly adversary who was taking the lives of their good friends in the countryside.

The old man pointed to a great oak tree on a nearby knoll, saying, "There, under that tree, you will find Death." In a drunken rage, the three roisterers set off in a run 'til they came to the tree, and there they found a pile of gold—eight basketfuls, of florins, newly minted, round coins. Forgotten was the monster called Death, as they pondered their good fortune, and they decided that they should remain with the gold until nightfall when they would divide it among themselves and take it to their homes. It would be unsafe, they thought, to attempt to do so in broad daylight, as they might be fallen upon by thieves who would take their treasure from them.

It was proposed that they draw straws, and the person who drew the shortest cut would go into the nearby village and purchase some bread and wine which they could enjoy as they whiled away the daylight hours. Off towards the village the young man went. When he was out of sight, the remaining two decided that there was no good reason why this fortune should be divided among three individuals, so one of them said to the other: "When he returns, you throw your arm around him as if in jest, and I will rive him

with my dagger. And, with your dagger, you can do the same. Then, all of this gold will be divided just between you and me."

Meanwhile, the youngest rouge, as he made its way into the town, thought what a shame it was that the gold would be divided among three, when it could so easily belong only to the ownership of one. Therefore, in town, the young man went directly to an apothecary and asked to be sold some poison for large rats and for a polecat that had been killing his chickens. The apothecary quickly provided some poison, saying that as much as equalled only a grain of wheat would result in sudden death for the creature that drank the mixture.

Having purchased the poison, the young villain crossed the street to a winery where he purchased three bottles—two for his friends, one for himself. After he left the village, he sat down, opened two bottles and deposited an equal portion in each, and then returned to the oak tree, where the two older men did as they had planned. One threw his arm playfully around the shoulders of the third, they buried their daggers in him, and he fell dead on the pile of gold. The other two then sat down, cut the bread and opened the wine. Each took a good, deep swallow, and, suffering a most excruciating pain, both fell upon the body of the third, across the pile of gold. All three were dead.

Their avarice, their greed for gain had destroyed them. There is a lesson here. The strong temptation for political partisanship can tear the Senate apart, and can tear the Nation apart, and confront all of us with destruction.

I ask everyone here who might be tempted, to step back from the brink of political gamesmanship. I ask everyone here who might harbor such feelings to abandon any thought of mean-spirited, destructive, vengeful, partisan warfare. It is easy to get caught up in the poison of bitter, self-consuming partisanship when faced with such situations as the one which confronts us now.

Witnesses are the main sticking point. I try to put myself in the shoes of our GOP friends. At least 13 House members are pushing you.

They had the opportunity to call witnesses but didn't. I watched all House proceedings. It seems to me that with such a mass of evidence, nothing new will be added. We must avoid a repetition of what the House has just gone through.

I urge all of us to step back and think about it. What can possibly be served in this unique court of impeachment by having a repeat of what we have already seen?

I implore us all to endeavor to lift our eyes to higher things. We can perform some much needed healing on the body politic. We can start by disdaining any more of the salacious muck which has already soiled the gowns of too many. If we can come together in a dignified way to orderly and expeditiously dispose of this matter, then perhaps we can yet salvage a bit of respect and trust from the American people for all of us, for the Senate, and for their institutions of government.

There have been only 1,851 Senators from the beginning of this Republic, and that includes all of us. We have a duty at this critical time to rise above politics-as-usual, in which we eat one another and, in so doing, eat ourselves. Let us put the nation first. The American people want us to do that. In the long run, that is how we will be judged, and, more importantly, it is how the Senate will be judged. The Constitution makes no reference to political party. The constitutional provision concerning impeachment makes no mention of political party. There were no political parties at the time the Constitution was written.

When this is all over and this matter is behind us—and that time will surely come—

then we can be politically partisan if we wish, as various legislative matters come before us. That is all in the natural course of things. Republicans and Democrats can go at each others throats politically if that is what they desire. But this is not a time for political partisanship. We will be sitting in judgment of a President. And we should be guided by our oath that, in all things appertaining to the trial of William Jefferson Clinton, we shall do impartial justice according to the Constitution and the laws.

Let us be guided by higher motives, by what is best for the Republic, and by how future history will judge us. We need a surer foundation than political partisanship, and that sure foundation is the Constitution.

The Senate was the preeminent spark of genius by the Framers. It was here that passions would be cooled. The Senate would be the stabilizing element when confronted with the storms of political frenzy and the silent arts of corruption.

Let us be true to the faith of our fathers and to the expectations of those who founded this Republic. The coming days will test us. Let us go forward together, hoping that in the end, the Senate will be perceived as having stood the test. And may we—both Republicans and Democrats—when our work is done, be judged by the American people and by the pages of future history as having done our duty and done it well. Our supreme duty is not to any particular person or party, but to the people of the Nation and to the future of this Republic.

It is in this spirit that we may do well to remember the words of Benjamin Hill, a great United States Senator from the State of Georgia, inscribed, as they are, upon his monument:

Who saves his country
Saves all things,
Saves himself
and all things saved do bless him.

Who lets his country die
Let's all things die,
Dies himself ignobly,
And all things dying curse him.

Thank you, my friends, thank you.●

MOTION TO DISMISS ARTICLES OF IMPEACHMENT AGAINST WILLIAM JEFFERSON CLINTON

● Mr. ABRAHAM. Mr. President, I rise to oppose the motion offered in the Court of Impeachment to dismiss the Articles of Impeachment against President Clinton. To support the motion would undermine the precedents and history of the impeachment process laid out in the Constitution. To my knowledge, the only instances in our history that the Senate has dismissed a Resolution of Impeachment without voting up or down on at least one of the Articles sent over by the House was when the impeached officer resigned before the Senate had the opportunity to act. I do not think we should deviate from our precedents on this occasion.

In voting on the motion to dismiss, we are supposed to assume that even if the President did everything the House claims he did, we should still dismiss the Articles. So for purposes of this motion, we have to assume that he committed every act of obstruction of justice and witness tampering the House has claimed and every instance of perjury before the grand jury that the House claims. This would include

perjury before a grand jury sitting to help the Congress determine whether the President committed impeachable offenses.

Mr. President, I have by no means decided whether President Clinton has done everything the House alleges. But if I am to assume all these allegations are correct, I cannot see how in good conscience I can support the motion to dismiss and permit the President to stay in office.●

SUPPORT OF THE MOTION TO DISMISS THE ARTICLES OF IMPEACHMENT AGAINST PRESIDENT CLINTON

● Mr. LIEBERMAN. Mr. President, each Member of the Senate is obligated today to render a judgment, a profound judgment, about the conduct of President William Jefferson Clinton and the call of the House of Representatives to remove him from office. A motion to dismiss the two articles of impeachment lodged against the President has been put before us, and so we must now determine whether there are sufficient grounds to continue with the impeachment trial, or whether we know enough to reach a conclusion and end these proceedings.

I know enough from the record the House forwarded to us and the public record to reach certain conclusions about the President's conduct. President Clinton had an extramarital sexual relationship with a young White House employee, which, though consensual, was reckless and immoral, and thus raised a series of questions about his judgment and his respect for the office. He then made false and misleading statements about that relationship to the American people, to a Federal district court judge in a civil deposition, and to a Federal grand jury; in so doing, he betrayed not only his family but the public's trust, and undermined his public credibility.

But the judgment we must now make is not about the rightness or wrongness of the President's relationship with Monica Lewinsky and his efforts to conceal it. Nor is that judgment about whether the President is guilty of committing a specific crime. That may be determined by a criminal court, which the Senate clearly is not, after he leaves office.

The question before us now is whether the President's wrongdoing—as outlined in the two articles of impeachment—was more than reprehensible, more than harmful, and in this case, more than strictly criminal. We must now decide whether the President's wrongdoing makes his continuance in office a threat to our government, our people, and the national interest. That to me is the extraordinarily high bar the Framers set for removal of a duly-elected President, and it is that standard we must apply to the facts to determine whether the President is guilty of "high Crimes and Misdemeanors."

This trial has now proceeded for 10 session days. Each side has had ample opportunity to present its case, illuminating the voluminous record from the House, and we Senators have been able to ask wide-ranging questions of both parties. I have listened intently throughout, and both the House Managers and the counsel for the President have been very impressive. The House Managers, for their part, have presented the facts and argued the Constitution so effectively that they impelled me more than once to seriously consider voting for removal.

But after much reflection and review of the extensive evidence before us, of the meaning of high crimes and misdemeanors, and, most importantly, of what I believe to be in the best interests of the nation, I have concluded that the facts do not meet the high standard the Founders established and do not justify removing this President from office.

It was for this reason that I decided today to vote in favor of dismissing the articles of impeachment against President Clinton, and against the motion to allow for the testimony of live witnesses. I plan to submit a more detailed statement explaining exactly how I arrived at these decisions when the final votes are taken on the articles of impeachment. But I do think it is important at this point to summarize my arguments for voting to end the trial now.

I start from the indisputable premise that the Founders intended impeachment to be a measure of extreme last resort, because it would disrupt the democratic process they so carefully calibrated and would supersede the right of the people to choose their leaders, which was at the heart of their vision of the new democracy they were creating. That is why I believe that the Constitutional standard in question here—"high Crimes and Misdemeanors"—demands clear and convincing evidence that the President committed offenses that, to borrow from the words of Alexander Hamilton and James Madison respectively, proceed from "the abuse or violation of some public trust," and that demonstrate a "loss of capacity or corruption." A review of the constitutional history convinces me that impeachment was not meant to supplant the criminal justice system but to provide a political remedy for offenses so egregious and damaging that the President can no longer be trusted to serve the national interest.

The House Managers therefore had the burden of proving in a clear and convincing way that the behavior on which the articles of impeachment are based has irreparably compromised the President's capacity to govern in the nation's best interest. I conclude that, as unsettling as their arguments have been, they have not met that burden.

I base that conclusion in part on the factual context of the President's actions. As the record makes abundantly clear, the President's false and mis-

leading statements under oath and his broader deception and cover-up stemmed directly from his private sexual misconduct, something that no other sitting American president to my knowledge has ever been questioned about in a legal setting. On each occasion when I came close to the brink of deciding to vote for one of the articles of impeachment, I invariably came back to this question of context and asked myself: does this sordid story justify, for the first time in our nation's history, taking out of office the person the American people chose to lead the country? Each time I answered, "no."

The record shows that the President was not trying to conceal public malfeasance or some heinous crime, like murder, and I believe that distinction, while not determinative, does matter. The American people, according to most public surveys, also think that distinction matters—which helps us to understand why the overwhelming majority of them can simultaneously hold the views that the President has demeaned his office and yet should not be evicted from it.

In noting this, I recognize that it would be a dereliction of our duty to substitute public opinion polls for our reasoned judgment in resolving this Constitutional crisis. But it would also be a serious error to ignore the people's voice, because in exercising our authority as a court of impeachment we are standing in the place of the voters who re-elected the President two years ago.

In this case, the prevailing public opposition to impeachment has particular relevance, for it provides substantial evidence that the President's misconduct, while harmful to his moral authority and his personal credibility, has not been so harmful as to shatter the public's faith in his ability to fulfill his Presidential duties and act in their interest. Nearly two-thirds of them say repeatedly that they approve of the job that President Clinton is doing and that they oppose his removal, which means that, though they are deeply disaffected by his personal behavior, they do not believe that he has lost his capacity to govern in the national interest.

In reaching my conclusion, I first had to determine that the request of the House Managers to bring witnesses to the floor would not add to the record and the arguments that have been made, or change my conclusion or the outcome of this trial, which most Senators and observers agree will not end in the President's removal. It is true that witnesses may add demeanor evidence, but they will subtract from the Senate's demeanor, and unnecessarily extend the trial for some time, preventing the Senate from returning to the other pressing business of the nation.

Am I content to have this trial end in the articles failing to receive the required two-thirds vote of the Senate for removal? The truth is that nothing