

(Applause, Senators rising.)

CENSURE RESOLUTION

Mr. ASHCROFT. Mr. President, the debate we will be having in the Senate is on whether to suspend the rules of the Senate to consider a resolution censuring the President's conduct.

A motion will be made to indefinitely postpone the motion to suspend the rules. These votes will occur before Senators have the opportunity to amend the resolution censuring the President's conduct.

I take the floor of the Senate to make clear that I am opposed to a censure resolution of President Clinton.

The Impeachment Trial of President William Jefferson Clinton is over. The Senate has faithfully discharged its constitutional obligation by serving as impartial jurors of the Articles of Impeachment approved by a bipartisan majority of the U.S. House of Representatives.

The Senate has rendered its verdict, and has found the President not guilty as charged. The consequence of this action by the Senate is to keep the President in office where he is to fully and faithfully discharge the constitutional duties of his office.

The trial is over. It is time for the Senate to focus on the national legislative agenda.

On this last point, I chose my words carefully. I did not say it is time for the Senate to turn to the people's business.

Some have said we should not have had the trial or should have adjourned the trial much earlier so that we could turn to the people's business.

I reject that notion. I firmly believe that conducting the trial was doing the people's business.

But the truth is the trial is over. I do not see any place for the pending resolution censuring the President. It is not the business of the Senate to punish President Clinton.

As Senator BYRD has concluded censure, unlike impeachment, is "extra-constitutional." The Constitution empowers the Senate to try a President impeached by the House and remove him if 67 Senators agree.

The Constitution does not empower the Senate to punish a President, in the absence of 67 votes to remove. The impeachment trial is over.

The Senate should move on and leave President Clinton alone.

The Constitution recognizes that if a President cannot be removed through impeachment, he should not be weakened by censure. Although the Senate passes sense of the Senate resolutions on many subjects, censure is different because the Constitution requires a 2/3 vote before the Senate can discipline the President and requires removal upon conviction for impeachable offenses. Censure is an effort to end-run these constitutional requirements.

One final problem is that any censure resolution will have to be weak. Even

proponents of censure concede that a censure resolution that actually punished the President would be an unconstitutional bill of attainder. Any censure that is consistent with the Bill of Attainder Clause is too weak to be worth doing.

The highest form of censure the Constitution allows is impeachment by the House. The failure to convict the President will not erase that action by the House. It is time for the Senate to move on.

If the effort to suspend the rules passes, and the text of the censure resolution is before the Senate, and is amendable, I will seek recognition to offer the following substitute, and I quote:

After the word "*Resolved*" strike everything and insert the following:

"That the United States Senate at the earliest opportunity will consider and have final votes on legislation favorably reported by its committees that—

(1) reduces taxes so that Americans no longer pay record high levels of federal income taxes;

(2) prohibits the financial surplus in the Social Security Trust Funds from financing additional deficit spending in the operating budget of the United States Government;

(3) increases funds and flexibility for programs that local school districts and their parents, teachers and principals believe will enhance teaching and learning;

(4) offers comprehensive responses to juvenile justice needs and criminal drug abuse, including increased penalties for adults who use minors in the commission of crimes, increased penalties for drug trafficking, and greater resources for local law enforcement agencies to stop methamphetamine trafficking.

(5) improves military pay to reduce sharp declines in attracting new and keeping well-qualified soldiers in the all-volunteer Armed Forces."

This substitute resolution speaks for itself. This resolution sets the Senate on the right course for the Senate to accomplish the legislative priorities of this nation.

These priorities include:

Congress this year should direct the budget surplus to where it belongs, and that is to the people whose hard work produced the surplus.

That means Congress should cut taxes. Americans should no longer pay record high levels of federal income taxes.

The average household paid 25 percent of its income in taxes (federal, state, and local) and 30 percent of every additional dollar earned by a four-person median income household of \$55,000 will go to pay taxes.

The typical American family spends more money on taxes than on food, clothing, and shelter combined. Each year Americans work four months and 10 days just to pay their taxes. The tax burden is getting worse, not better. For the past five years, tax payments have grown faster than salaries. Total federal taxes in 1997 were the highest since World War II.

Second, Congress should protect Social Security.

The best action we can take now to protect the economic security of to-

morrow's retirees is to protect current surpluses from government raiding.

Using these surpluses to pay down our debt will put our country in the best possible financial position to meet our future obligations.

Third, we should improve education by increasing funds and flexibility for programs that local school districts and their parents, teachers and principals believe will enhance teaching and learning.

The Department of Education requires over 48.6 million hours worth of paperwork to receive federal dollars. This bureaucratic maze takes up to 35% of every federal education dollar.

Local school districts could find far better uses of the \$10-\$12 billion Washington spends. With direct funding, local schools could deploy resources to areas they deem most crucial for their students, such as hiring new teachers, raising teacher salaries, buying new textbooks or new computers.

Fourth, Congress must fight crime and drug abuse.

While in the last few years the violent crime rate has declined, it remains at levels that are far too high. In 1960, 159 violent crimes per 100,000 inhabitants were reported; in 1997, 611 were reported. In short, violent crime has quadrupled since 1960.

Drug abuse, especially use of methamphetamines, is also at dangerous levels. Public health and law enforcement officials believe that meth is more dangerous and addictive than cocaine and heroin. Communities are being devastated and the problem is growing exponentially. In 1994, DEA agents in Missouri seized 14 clandestine meth labs. Last year, they seized 421 labs.

Meth use is dangerous, threatens our children and causes users to commit other crimes. Among 12th graders, the use of ice, a smokeable form of meth, has risen 60 percent since 1992. Meth-related emergency room incidents are up 63 percent over this same period.

Fifth, Congress should improve military pay to reduce sharp declines in attracting new and keeping well-qualified soldiers in the all-volunteer Armed Forces.

1999 marks the 14th straight year of decline in real dollars spent on our national defense. The number of active duty personnel is down 30% since 1991. Despite these reductions, the military is being asked to do more than it did during the Cold War.

CONCLUSION

In writing these principles, I strived for bipartisan agreement. I believe many, if not all of these, principles have been articulated as priorities on both sides of the aisle.

I did not include my own proposals for accomplishing these objectives. The details of these principles can and should be worked out by the committees of the Senate, and then by the full Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

RESOLUTION OF CENSURE

Mrs. FEINSTEIN. Mr. President, I move to proceed to my censure resolution which is at the desk.

The text of the motion reads as follows:

I move to suspend the following:
Rule VII, paragraph 2 the phrase "upon the calendar", and;

Rule VIII, paragraph 2 the phrase "during the first two hours of a new legislative day".

In order to permit a motion to proceed to a censure resolution, to be introduced on the day of the motion to proceed, notwithstanding the fact that it is not on the calendar of business.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I have to object. This resolution is not on the Calendar. Therefore, it is not in order to present it to the Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, in light of that objection, I move to suspend the rules, the notice of which I printed in the RECORD on Monday, February 8, in order to permit my motion to proceed.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I send a motion to the desk, a motion to indefinitely postpone the consideration of the Feinstein motion.

The PRESIDING OFFICER. The clerk will report the motion.

Mr. GRAMM. Mr. President, I ask that reading of the motion be dispensed with, and I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas, Mr. GRAMM. The yeas and nays have been ordered. The clerk will call the roll.

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—43

Allard	Frist	Nickles
Ashcroft	Gramm	Roberts
Bond	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Smith Bob
Byrd	Hatch	Specter
Campbell	Helms	Stevens
Cochran	Hutchinson	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
DeWine	Mack	Warner
Enzi	McCain	
Fitzgerald	Murkowski	

NAYS—56

Abraham	Feingold	Lincoln
Akaka	Feinstein	Lugar
Baucus	Gorton	McConnell
Bayh	Graham	Mikulski
Bennett	Harkin	Moynihan
Biden	Hollings	Murray
Bingaman	Hutchison	Reed
Boxer	Inouye	Reid
Breaux	Jeffords	Robb
Bryan	Johnson	Rockefeller
Chafee	Kennedy	Roth
Cleland	Kerrey	Sarbanes
Collins	Kerry	Schumer
Conrad	Kohl	Smith Gordon H
Daschle	Landrieu	Snowe
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Edwards	Lieberman	

NOT VOTING—1

Domenici

The PRESIDING OFFICER (Mr. INHOFE). On this vote, the yeas are 43, the nays are 56. Two-thirds of the Senators not having voted in the negative, the motion to suspend is withdrawn and the Gramm point of order is sustained. The Feinstein motion to proceed falls.

(Under a previous unanimous consent agreement, the following statements pertaining to the impeachment proceedings were ordered printed in the RECORD:)

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

Mr. GORTON. Mr. President, the statement that I am placing in the record is the statement I would have given had I been permitted to speak longer and in open session. During our closed deliberations, I gave a similar, but abridged statement.

For almost two years, the President of the United States was engaged in what he has come to describe as an "inappropriate intimate" relationship with a young woman who came to his attention as a White House intern. He then lied about their relationship, publicly, privately, formally, informally, to the press, to the country, and under oath, for a period of about a year.

This course of conduct requires us to face four distinct questions.

First, we must determine if the material facts alleged in the Articles of Impeachment have been established to our satisfaction.

Second, do the established facts constitute either obstruction of justice or perjury, or both?

Third, are obstruction of justice and perjury high Crimes and Misdemeanors under the Constitution?

And, fourth, even if the acts of the president are high Crimes and Misdemeanors, are they of sufficient gravity to warrant his conviction if it allows of no alternative other than his removal from office?

The first article of impeachment alleges that the President committed perjury while testifying before the Starr grand jury. Although the House Managers assert that his testimony is replete with false statements, it is

clear, at the least, that his representations about the nature and details of his relationship with Miss Lewinsky are literally beyond belief.

From November 1995, until March 1997, the President engaged in repeated sexual activities with Monica Lewinsky, who was first a volunteer at and then an employee of the White House and eventually the Pentagon. Though he denies directly few of her descriptions of those activities, he testified under oath that he did not have "sexual relations" with her. His accommodation of this paradox is based on the incredible claim that he did not touch Miss Lewinsky with any intent to arouse or gratify anyone sexually, even though she performed oral sex on him.

It seems to me strange that any rational person would conclude that the President's description of his relationship with Miss Lewinsky did not constitute perjury.

In addition, while we are not required to reach our decision on these charges beyond a reasonable doubt, I have no reasonable doubt that the President committed perjury on a second such charge when he told the grand jury that the purpose of the five statements he made to Mrs. Currie after his Jones deposition was to refresh his own memory.

The President knew that each statement was a lie. His goal was to get Mrs. Currie to concur in those lies.

The other allegations of perjury are either unproven—particularly those requiring a strict incorporation of the president's Jones deposition testimony into his grand jury testimony—or are more properly considered solely—with those already discussed—as elements of the obstruction of justice charges in Article II.

To determine that the president perjured himself at least twice, however, is not to decide the ultimate question of guilt on Article I. That I will discuss later.

All the material allegations of Article II seem to me to be well founded. Four of them, however, those regarding the president's encouraging Miss Lewinsky to file a false affidavit and then to give false testimony, those regarding the president's failure to correct his attorney's false statements to the Jones court, and those bearing upon the disposal of his gifts to her are not, in my mind, proven beyond a reasonable doubt. Again, I do not believe this standard to be required in impeachment trials, but because I believe that the other three factual allegations of Article II do meet that standard, I adopt it for the purposes of this discussion.

(1) From the time she was transferred to the Pentagon in April, 1996, Miss Lewinsky had pestered the president about returning to work at the White House, and, other than some vague referrals, until October 1, 1997, the President had done nothing to make this