That is not to say, however, that I would have supported the resolution had the motion to proceed carried. On the contrary, I would have opposed it—
as I would have opposed each of the several proposed censure resolutions that have circulated in recent days. The President has acted in a manner worthy of censure. No one denies that.

However, I have serious misgivings about a censure resolution emanating from this body and this body alone. I am concerned about what it may mean—not for this President, but for the institution of the presidency. I understand the desire to voice—loudly and unmistakably—disapproval of the President's conduct. But it must be tempered by an even greater passion for the office he holds, and for the constitutional balance of power between the executive and legislative branches of government.

The Federalist Number 73 speaks of “the propensity of the legislative department to intrude upon the rights, and to absorb the powers, of the other departments.” It warns of a presidency “stripped of [its] authorities by successive censures, or annihilated by a single vote.”

My colleagues, we must qualify our understandable disdain for this president’s conduct with the admonition to protect the office that he will occupy for a month 23 months no longer.

Nowhere does the Constitution expressly permit us to take up such a resolution. Nor does it expressly prohibit such a step. Yet the Senate, and the Congress as a whole, has been remarkably restrained in even considering censure resolutions. It has been even more reluctant to adopt them. Only once, in 1834, was a president formally censured by resolution. Three years later, that resolution was expunged.

The President at that time was Andrew Jackson. The driving force behind his censure was Henry Clay. Jackson had defeated Clay in the presidential election of 1832. In 1834, they remained bitter political adversaries.

Jackson argued that the resolution was repugnant to the constitutional principle of checks and balances between the branches of government. If the Senate wanted to punish him, he said, it had only one avenue acceptable under the Constitution: it would have to wait for the House to send an impeachment.

I am not convinced that a resolution censuring a president is unconstitutional. But I certainly agree that it is, at least in the context of the present case, unwise. There have been numerous instances where presidents behaved in a manner deemed outrageous and even dangerous to the country. Franklin Roosevelt was roundly criticized for his conduct of the Supreme Court. President Truman seized the steel mills. President Reagan and then-Vice President Bush presided over the executive branch while an illegal scheme, run out of the White House, was conducted to sell arms to Iran and use proceeds from those sales to support armed rebellion in Nicaragua. The behavior of these individuals arguably was at least as egregious as President Clinton’s. But the Senate did not pursue a censure resolution against any of them.

Ours is not a parliamentary system. In the United States, we do not entertain votes of “no confidence” against our chief executive. We elect presidents, not prime ministers.

A censure resolution in the present instance will seem modest, perhaps even insignificant, in relation to the impeachment conducted by the House. However, future generations may well come to view censure as an American-made vote of “no confidence” against future occupants of the Oval Office. We may pave the way to a new form of executive punishment. And it may be used not only in cases of personal misconduct. It could be used against a president who simply makes an unpopular or unwise, but nevertheless lawful and well-intended, decision.

Ultimately, we could subject future presidents, who have not been impeached, to this form of punishment. In doing so, we risk eroding the independence and authority of the presidency. I do not want to see the Senate take such a risk.

APPRECIATION OF SERVICE OF CHIEF JUSTICE REHNQUIST

Mr. DOIDD. Mr. President, I rise to extend a word of thanks to Chief Justice Rehnquist for his distinguished service in presiding over this trial.

The Supreme Court sits just a few short yards from this Chamber. Yet, its Justices and its working remain largely unknown to those of us who serve here. Perhaps the conceptual distance successfully reflects the Framers’ construct of legislative and judicial branches that act for the most part independently of one another.

Suffice it to say that our knowledge of the Chief Justice was rather limited prior to the commencement of the impeachment trial. We knew of his reputation as a formidable intellect, as a scholar—including on the topic of impeachment—and as an efficient manager of courtroom. We did not as a group know much more about him.

What we learned during that course of that trial is that the Chief Justice brought his many estimable qualities to bear on this unique legal challenge. He brought a deep historical understanding of the impeachment process. He instilled confidence in each Senator that he would conduct himself in a manner prescribed for the chief justice by the Framers. All times, he guided the trial with a firm and fair hand—not hesitating to use his judgment and common sense when appropriate, but never pressing a point of view on matters better left to the collective judgment of the Senate. He demonstrated a continuing respect and appreciation for the workings of this body. Last but not least, he brought a refreshing sense of humor to his task, which made our task as triers of fact somewhat more enjoyable.

Although this was an historic occasion, no one who took part in it relished doing so. There is collective relief, I think, that this constitutional ordeal is now behind us. But as we look back at these past remarkable weeks, we can all take comfort and pride in knowing that this second impeachment trial in our nation’s history was preceded by an individual of great intelligence, historical knowledge, and wit.

These qualities made him uniquely suited to his task. The Senate and the entire nation owe a debt of thanks to Chief Justice Rehnquist for rendering such value and distinguished service.

APPENDICES A-L TO SENATOR LEVIN’S IMPEACHMENT TRIAL STATEMENT OF FEBRUARY 12, 1999

Mr. LEVIN. Mr. President, as we close this chapter in the Senate’s life and prepare our records for the annals of history, there are several points which I wish to highlight in a series of appendices.

I ask unanimous consent that the appendices be printed in the RECORD. There being no objection, the appendices were ordered to be printed in the RECORD, as follows:

APPENDIX A

The indisputable, underlying reality of the impeachment case was that Monica Lewinsky’s denial of a personal relationship with the President was part of a long-term understanding and pattern, long before the subpoena in the Paula Jones case.

“Q: Had you talked with him earlier about those false explanations about what you were doing visiting him on several occasions?
A: Several occasions throughout the relationship. Yes. It was a pattern of the relationship to sort of conceal it.”—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 844.

“Juror: Did you ever discuss with the President whether you should deny the relationship if you were asked about it?”
A: I think I always offered that.”—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 1087.

“A: And she [Linda Tripp] told me that I should put it in a safe deposit box because it could be evidence one day. And I said that was ludicrous because I would never—I would never disclose that I had a relationship with the President. I would never need it.”—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 1107.

“A: Juror: And what about the next sentence also? Something to the effect that if two people who are involved say it didn’t
APPENDIX B

Did Ms. Lewinsky think her affidavit in the Paula Jones case was false when she signed it?

"Ms. L had a physically intimate relationship with the President. Neither the Pres. nor Mr. Jordan (or anyone on their behalf) asked or encouraged Ms. L to lie. Ms. L was comfortable signing the affidavit with regard to the 'sexual relationship' because she could justifiably say that she and the Pres. did not have sexual intercourse."—Proffer of Monica Lewinsky to the Independent Counsel.

"Q: When he said that you might sign an affidavit, what did you understand it to mean at that time?
A: I thought that signing an affidavit could range anywhere between just somehow mentioning, you know, innocuous things or going as far as maybe having to deny any kind of relationship."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 1124.

"A: But I did some justifying in signing the affidavit, so—
Q: Justifying—does the word 'rationalizing' apply as well?
A: Rationalize, yes."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 925.

APPENDIX C

House Managers implied that when the President allegedly told John Podesta Ms. Lewinsky threatened him, the President was lying. But Ms. Lewinsky did write a threatening letter to President Clinton. If you believe the aides testified truthfully to the grand jury about what the President told them about his relationship, the President told them many falsehoods, absolute falsehoods. So when the President described under oath to the grand jury as truth, he lied and committed the crime of perjury. One example of this comes from Deputy Chief John Podesta. . . .

APPENDIX D

There was much debate about the consequences of calling live witnesses. The President’s lawyers argued that calling witnesses would require them to engage in extensive discovery and would significantly stretch-out the trial. It is relevant in evaluating that claim to look at the impeachment trial proceedings, and the Senate. In the trial, the Senate received testimony as evidence. In the impeachment trial, the Senate received written testimony as evidence. The Senate received the affidavit, so—

"Ms. L had a physically intimate relationship with the President. Neither the Pres. nor Mr. Jordan (or anyone on their behalf) asked or encouraged Ms. L to lie. Ms. L was comfortable signing the affidavit with regard to the ‘sexual relationship’ because she could justifiably say that she and the Pres. did not have sexual intercourse."—Proffer of Monica Lewinsky to the Independent Counsel.

"Q: When he said that you might sign an affidavit, what did you understand it to mean at that time?
A: I thought that signing an affidavit could range anywhere between just somehow mentioning, you know, innocuous things or going as far as maybe having to deny any kind of relationship."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 1124.

"A: But I did some justifying in signing the affidavit, so—
Q: Justifying—does the word ‘rationalizing’ apply as well?
A: Rationalize, yes."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 925.

APPENDIX F

Independent counsel Kenneth Starr interviewed the House of Representatives about its responsibilities by not calling witnesses before the House Judiciary Committee. A review of impeachments shows that in every impeachment but the one subject of the impeachment being mentally incompetent and the House relied on the record of his decisions as a judge, the House called fact witnesses. According to Starr, the nine impeachments have resulted in trials in the Senate; two did not because the impeached officials resigned.

15 of those impeachments had fact witnesses in the House; one didn’t. That was the case of Judge Pickering. He was impeached for being mentally incapacitated. There were charges of drunkenness and ‘ungentlemanly language’ in the courtroom. The articles against him, however, all dealt with his rulings and decisions that ‘proved’ he was mentally incompetent. During the House inquiry, a number of affidavits were presented.

Re: Interview of Monica Lewinsky.

DEAR INDEPENDENT COUNSEL STARR: I am writing to you as the Lead Manager of the Independent Counsel of the U.S. Senate, William Jefferson Clinton, currently underway in the United States Senate. We are in the

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February 23, 1999

CONGRESSIONAL RECORD — SENATE

APPENDIX D

There was much debate about the consequences of calling live witnesses. The President’s lawyers argued that calling witnesses would require them to engage in extensive discovery and would significantly stretch-out the trial. It is relevant in evaluating that claim to look at the impeachment trial proceedings, and the Senate. In the trial, the Senate received testimony as evidence. In the impeachment trial, the Senate received written testimony as evidence. The Senate received the affidavit, so—

"Ms. L had a physically intimate relationship with the President. Neither the Pres. nor Mr. Jordan (or anyone on their behalf) asked or encouraged Ms. L to lie. Ms. L was comfortable signing the affidavit with regard to the ‘sexual relationship’ because she could justifiably say that she and the Pres. did not have sexual intercourse."—Proffer of Monica Lewinsky to the Independent Counsel.

"Q: When he said that you might sign an affidavit, what did you understand it to mean at that time?
A: I thought that signing an affidavit could range anywhere between just somehow mentioning, you know, innocuous things or going as far as maybe having to deny any kind of relationship."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 1124.

"A: But I did some justifying in signing the affidavit, so—
Q: Justifying—does the word ‘rationalizing’ apply as well?
A: Rationalize, yes."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 925.
process of selecting witnesses for testimony in these proceedings. The attorneys for
Monica Lewinsky have declined to make her available for an interview.

We have reviewed a copy of Ms. Lewinsky’s Immunity Agreement. Pursuant to para-
graph 1(c) of that Agreement, it would appear that she is required to submit to inter-
views and debriefings if so requested by the Office of Independent Counsel.

We would like to arrange an interview with Ms. Lewinsky prior to any such testimony. We
would be happy to accommodate her wishes as to the precise time and location of that inte-
view; however, it is important that this interview be scheduled to take place on
the earliest possible date, specifically Fri-
sday, Saturday, or Sunday. Your assistance with this interview will be appreciated.

Thank you for your prompt attention.

Sincerely,
HENRY H. HYDE,
On Behalf of the Managers
on the Part of the House.

LAW OFFICES OF
PLATO CACHERIS,

ROBERT J. BITTMAN, Esq.,
Deputy Independent Counsel, Office of the Independent Counsel,
Washington, DC.

DEAR BOI: In your call today you men-
tioned that the managers requested Ms. Lewinsky’s cooperation by way of an inter-
view. As I told you, we believe it is inappro-
priate for Ms. Lewinsky to be placed in the position of a partisan—meeting with one side
and not the other—in this unique proceeding. Therefore, we have recommended against
interviews with either side.

Sincerely,
JACOB A. STEIN,
INDEPENDENT COUNSEL,

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JACOB A. STEIN.

PLATO CACHERIS.
February 23, 1999

CONGRESSIONAL RECORD — SENATE

S1797

Senate Rules, see Attachment D at 5— is equally without merit. Senate Resolution 16 (106th Cong.) states, in relevant part: "If the Senate agrees to allow either the House or the President to call witnesses, the witnesses shall first be deposed and the Senate shall decide after deposition which witnesses shall testify at a hearing on impeachment. Although it is plain that depositions may not be conducted absent a vote of the Senate, nothing in this resolution restricts the ability to depose deponents in a non-deposition setting. Indeed, it would be strange for the Senate to prohibit the House and the President from doing the investigation necessary to determine whether they wish to call witnesses and which witnesses to list in their motions.

III. This court should grant an order requiring Ms. Lewinsky to comply with the immunity agreement or forfeit its protection

Under the Agreement, this Court has the authority to determine whether Ms. Lewinsky has "violated any provision of this Agreement." Immunity Agreement ¶ 30. "[A] declaratory judgment will ordinarily be granted only when it will either serve a useful purpose, resolve issues in issue or terminate and afford relief from the uncertainty, insecurity, and controversy giving right to the proceeding." Tierney v. Schodde (D.C. Cir. 1988) (internal quotation marks omitted). In this case, a declaratory judgment will resolve the uncertainty arising from this controversy between the OIC, Ms. Lewinsky, and the Senate. Whether or not she has the right to refuse to be deposed without forfeiting the protections of the Agreement.

Indeed, declaratory judgment is a common remedy when a party to a contract conducts a breach that may be a breach: "[A] party to a contract is not compelled to wait until he has committed an act which the other party asserts will constitute a breach, but may seek relief by declaratory judgment and have the controversy adjudicated in order that he may avoid the risk of damages or other untoward consequence." (Application of President & Directors of Georgetown College, Inc.) 331 F.2d 1000, 1002 n.6 (D.C. Cir. 1964) (quoting Keener Oil & Gas v. Consolidated Gas Utilities Corp., 190 F.2d 985, 989 (10th Cir. 1951)); see Gilbert, Segall & Young v. Bank of Montreal, 783 F. Supp. 490, 491-92, and contra Fine v. Property Damage Appraisers, Inc., 393 F. Supp. 1304, 1309-10 (E.D. La. 1975). Accordingly, this Court has the power to issue a declaratory judgment before Ms. Lewinsky’s actions become irreversible.

IV. Conclusion

The Immunity Agreement plainly requires that Ms. Lewinsky allow herself to be deposed by any institution at the request of the OIC. Ms. Lewinsky has the right to insist that the OIC conduct the depositions, but she must accept the plan in terms of the Immunity Agreement. Accordingly, the United States respectfully requests that this Court enter an order requiring Ms. Lewinsky to submit to a deposition in the Senate.

The Senate’s schedule requires the House to submit its motion to call witnesses as early as Monday, and the House has stressed its need to deprecate Ms. Lewinsky this weekend. Accordingly, the United States respectfully requests that this Court act on this motion as an emergency; therefore, respectfully, we request a hearing on this matter today.

Respectfully submitted,

KENNETH W. STARE, Assistant Independent Counsel

ROBERT J. BITTMAN, Deputy Independent Counsel

JOSEPH M. DITTOFF, Associate Independent Counsel

WASHINGTON, DC, January 23, 1999

HON. HENRY J. HYDE, Chairman, Committee on the Judiciary, Washington, D.C.

DEAR MR. MANAGER HYDE: We understand that the Office of Independent Counsel, on behalf of the House Managers, sought a court order to compel Monica Lewinsky to submit to an interview with the Managers in preparation for her possible testimony. We further understand that the Honorable Norma Holloway Johnson has granted the order sought by the Independent Counsel.

As you know, Senate Resolution 16, which was passed by a 10-0 vote just over two weeks ago, expressly deferred any consideration or action related to additional witnesses testimony until after opening presentations, a question-and-answer period and an affirmative vote to compel such testimony. These actions by the Managers, undertaken without notice to the Senate or the President’s Counsel, raise profound questions of fundamental fairness and undermine the ability of this body to control the discovery procedures that will take place under the imprimatur of its authority.

In light of these concerns, we ask that you withdraw any and all requests to Mr. Starr that he assist your efforts to interview Ms. Lewinsky. We strongly believe that the Senate will have an opportunity to formally address this issue pursuant to the procedures established by Senate Resolution 16. Moreover, we insist that you relate this proposed interview of any witness until such time as the Senate has given you the authority to do so.

Sincerely,

HARRY REID, [Also signed by 43 Senators.]

WASHINGTON, DC, January 23, 1999

HON. TOM DASCHLE, Democratic Leader, U.S. Senate, Washington, D.C.

DEAR MR. DEMOCRATIC LEADER: I am in receipt of your letter of today expressing your concern with the House Managers’ request to interview Monica Lewinsky.

It has always been the position of the House Managers that the benefit of relevant witnesses is in the best interest of the Senate and the American people. Representatives of President Clinton and many Senators stated that they want the Senate to preclude the testimony of witnesses. Many other Senators have made clear that they prefer the witnesses lists for both sides to be sharply focused and limited to only the most relevant witnesses. The Managers have been mindful of these Senators’ concerns.

It is clear that the two most important witnesses in this trial are President Clinton and Ms. Lewinsky. Yesterday, I wrote to Majority Leader Lott and you to express the Managers’ willingness to participate in the fair examination of the President if the Senate chooses to invite him to testify. The presentation of the President’s counsel ended yesterday. We are in the process of evaluating that presentation and determining what witnesses we will request the Senate to call. We believe that interviewing Mr. Starr or those who advise him is unfair. The Senate has required us to submit a proffer of anticipated testimony of any proposed witnesses. Interviews of potential witnesses will assist the parties in providing the Senate with informative proffer.

The House of Representatives has not violated Senate Res. 10. The House passed H. Res. 10 appointing the Managers, it authorized that the Managers may “in connection with their investigation and the impeachment trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include * * * sending for persons.” Importantly, the Managers’ authority is the ability to conduct interviews and gather additional information relevant to the articles of impeachment.

Representatives of the Managers, the House of Representatives, retain powers separate and apart from the Senate. The Managers are not, just as the President’s Counsel are not, an office or subset of the Senate. The Managers, like the President’s Counsel, may conduct activities, such as further investigation and legal research, that are not specifically authorized by the Senate.

Senate Resolution 16 does not prohibit the Managers from conducting further investigation or interviews of witnesses. If the resolution was intended to restrict the Managers in this way, we believe that it would violate principles of bicamerality, the ability of each House to establish its own rules of procedure, and would therefore be an unconstitutional infringement on the prerogatives of the House.

Implicit in the right of the Managers to report to the House amendments to articles of impeachment, is the right of the Managers to receive and evaluate additional information. For example, if the Managers received additional exculpatory or incriminating information, they could file amendments to the articles of impeachment in the House.

Senate Resolution 16 set a schedule for deciding whether to depose witnesses. The decision to depose witnesses is subject to a quasi-judicial determination. The Managers have decided that they need to talk with Ms. Lewinsky before making a recommendation to the Senate to depose her. The action of the House Managers is not unusual. It is not unfair, and it is not contrary to the rules of the Senate.

With all due respect to the Senate, the rules and the constitutional principles of bicamerality do not require that the House obtain the permission of the Senate merely to conduct an interview with a witness. A decision to merely interview a witness as opposed to conducting a deposition, does not interfere with the Senate’s ability to control the procedures set forth under S. Res. 10.

Sincerely,

HENRY J. HYDE, On behalf of the Managers of the Part of the House of Representatives.

From the U.S. House of Representatives, Committee on the Judiciary, Henry J. Hyde, Chairman

MANAGERS’ RESPONSE TO JUDGE’S RULING

(Washington, D.C.)—Paul McNulty, chief spokesman for the House Managers, made the following statement today following Judge Johnson’s ruling that Monica Lewinsky must comply with the House managers’ request for an interview, in keeping with her immunity agreement:

"Ms. Lewinsky’s testimony has never been more important than it is now. In the last four days, the White House has challenged the veracity of her credibility and the number of key instances relating to her conversations with the President and Ms. Currie.

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"Ms. Lewinsky’s testimony has never been more important than it is now. In the last four days, the White House has challenged the veracity of her credibility and the number of key instances relating to her conversations with the President and Ms. Currie."
“Ms. Lewinsky can resolve some of these crucial conflicts, and House Managers have a responsibility to interview her before deciding to call her as a witness. This is legislation. It is lawmaking. My legal and lawyer skills are to talk to a witness before deciding to put her on the witness stand. When the House of Representatives appointed the Managers, it also granted them the authority to carry out in quasi-judicial capacity, necessary to find the truth.

“The White House’s protests are pseu-do-objectives designed to divert attention from the President’s behavior.”

[In the United States District Court for the District of Columbia, Misc. No. 99–32 (NJI)]

IN RE GRAND JURY PROCEEDING

ORDER

Upon consideration of the Emergency Motion of the United States of America for Enforcement of Immunity Agreement, it is hereby ordered that Monica S. Lewinsky allow herself to be deposed by the House Managers, to be conducted by the Office of the Independent Counsel if she so requests, or forfeit her protections under the Immunity Agreement between Ms. Lewinsky and the OIC.


NORMA HOLLOWAY JOHNSON,
Chief Judge.

EXCERPT FROM CBS RADIO TRANSCRIPT,
JANUARY 24, 1999

KENNETH STARR DELIVERS REMARKS CONCERNING THE UPCOMING INTERVIEW WITH MONICA LEWINSKY: WASHINGTON, D.C.

QUESTION: Sir, people are saying on the Capitol Hill that you’re trying to influence the trial by bringing back Monica, before they had a chance to vote.

STARR: Well, as I indicated, we had a request from the Lead Manager, Chairman Hyde, it was a formal request. And we re-sponded as I felt that we were obligated to do to that request. And we then took what I felt was the appropriate action and we went to counsel.

I want to make it very clear that Chief Judge Johnson has only interpreted the agreement between Ms. Lewinsky, who’s advised by her very able lawyers, and our office. She did not direct an order in any sense other than to interpret the meaning of the agreement, which we asked her to interpret. So, I am the one who directed the process. The judge was simply acting at our request to interpret the terms of the agreement, which we believe are quite clear.

QUESTION: Senator Harkin said yesterday that Judge Johnson may not have acted on, you know, constitutionally. Do you have any comment on that?

STARR: Well I think that we have taken the appropriate action in going to the court and the court acted appropriately in interpreting the agreement which is all they did. So if there is an issue, the issue has to be one that’s entrusted to the wisdom of the Senate. And their relationship with the House managers.

But from our standpoint, the agreement we felt was clear, we asked the judge to determine whether our interpretation of the agreement was clear. And she has issued her ruling.

APPENDIX G

Although the House Managers argued strenuously about the need to call witnesses in the Senate trial, their position in the House of Representatives on the same subject was weakened by the testimony of Vernon Jordan, Betty Currie, and other witnesses. The House managers did not have the opportunity to confront and cross-examine witnesses like Ms. Lewinsky, and himself, to testify if he desires, there could not be any doubt of his guilt on the facts.”


“If we had Mr. Jordan on the witness stand—which I hope to be able to call Mr. Jordan—you would need to probe where his version of events and his voice, look into his eyes and determine the truthfulness of his statements. You must decide whether he is telling the truth or withholding information.”

House Manager Hutchinson, Congressional Record, January 14, 1999, Page S224.

“The case against the President rests to a great extent on whether or not you believe Monica Lewinsky. But it is also based on the sworn testimony of Vernon Jordan, Betty Currie, and corroborating witnesses. Time and again, the President says one thing and they say something entirely different. But if you have serious doubts about the truthfulness of any of these witnesses, I, again, as all my colleagues do, encourage you to bring them in here.”—House Manager McCollum, Congressional Record, January 15, 1999, Page S296.

“(O)n the record, the weight of the evidence, taken from what we have given you today, with these books back here . . . I don’t know what the witnesses will say, but, I assume if they are consistent, they’ll say the same that’s in the record.”—House Manager McCollum, Congressional Record, January 15, 1999, Page S296–S297.

“(N)o one in this Chamber at this juncture does not know all the facts that are pertinent to this case. That is a magnificent accomplishment on the part of the managers.”—House Manager Gekas, Congressional Record, January 15, 1999, Page S287.

APPENDIX J

The House of Representatives articles were intended to charge President Clinton with specific crimes.

“[T]his honorable Senate must do the right thing. It must listen to the evidence; it must decide whether President Clinton repeatedly broke our criminal laws and thus broke his trust with the people.”—House Manager Sensenbrenner, Congressional Record, January 14, 1999, Page S227.

“Moreover, in engaging in this course of conduct, referring here to the words of the obstruction statute found at section 1503 of the Criminal Code, the President’s actions constituted an endeavor to influence or impede the due administration of justice in that he was attempting to prevent the plaintiff in the Jones case from having a ‘free and fair opportunity to learn what she may learn concerning the material facts surrounding her claim.’ These acts by the President also constituted an endeavor to persuade another person with the intent to influence the testimony they might give in an official proceeding.”

APPENDIX K

“[L]adies and gentlemen of the Senate, there are conclusive facts here that support a conviction.”—House Manager Bryant, Congressional Record, February 8, 1999, Page S1338.

At times, the House Managers took different and oft-time conflicting positions on the need to call witnesses in the Senate trial.

“I submit that the state of the evidence is such that unless and until the President has the opportunity to confront and cross-examine witnesses like Ms. Lewinsky, and himself, to testify if he desires, there could not be any doubt of his guilt on the facts.”


“Please keep in mind also, it is not required that the target of the defendant’s actions actually testify falsely. In fact, the witness tampering statute can be violated even when there is no intent to prevent the defendant from testifying.”

House Manager Gekas, Congressional Record, February 8, 1999, Page S1341.

“In the past month, you have heard much about the Constitution; and about the law. We have heard more than our capacity recital of the U.S. Criminal Code: 18 U.S.C. 1503. 18 U.S.C. 1505. 18 U.S.C. 1512. 18
DEPOSITION OF VERNON JORDAN IN THE SENATE IMPEACHMENT TRIAL

Mr. LEAHY. Mr. President, I regret to have to return to an unfinished aspect of the Senate impeachment trial of President Clinton.

On February 2, I attended the deposition of Vernon Jordan as one of the Senators designated to serve as provising officers. On February 4, the Senate approved the House Managers' motion to include a portion of that deposition in the trial record. Unfortunately, the House Managers moved to include only a portion of the videotaped deposition of Mr. Jordan. This deletion has been done to the public's sense of decorum and to appropriate limits between public and private life.

On Saturday, February 6, at the conclusion of his presentation, Mr. Kendell asked for permission to display the last segment of the videotaped deposition of Vernon Jordan, in which, as Mr. Kendell described it “Mr. Jordan made a statement defending his own integrity.” The House Managers objected to the playing of the approximately 2-minute segment of the deposition that represented Mr. Jordan's “own statement about his integrity.”

I then rose to request unanimous consent from the Senate that the segment of the videotaped deposition be allowed to be shown on the Senate floor during the impeachment proceedings.

On February 12, my colleague Senator Feinstein remarks about the depositions. After the conclusion of the voting on the Articles of Impeachment, and before the adjournment of the court of impeachment, unanimous consent was finally granted to include the “full written transcripts” of the depositions in the public record of the trial. As far as I can tell, however, the statement of integrity by Mr. Jordan has yet to be published in the Congressional Record.

I regret that the Senate chose to prohibit the viewing of the videotape of