

IMPEACHMENT INQUIRY

WILLIAM JEFFERSON CLINTON PRESIDENT OF THE UNITED STATES

ONE HUNDRED FIFTH CONGRESS

Sept. 9, 1998—The House received a communication from Independent Counsel Kenneth W. Starr in conformity with the requirements of title 28, United States Code, section 595(c), submitting substantial and credible information that President William Jefferson Clinton committed acts that may constitute grounds for an impeachment.

Sept. 11, 1998—The House agreed to H.Res. 525, a resolution (reported by the Committee on Rules, **H.Rept. 105-703**) providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes. (*363 yeas; 63 nays*). [H.Res. 525 provides 1) for a review by the Committee on the Judiciary of the report of the Independent Counsel to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced; 2) that material submitted by the Independent Counsel shall be considered referred to the committee and that the portion of the material consisting of approximately 445 pages comprising an introduction, a narrative, and a statement of grounds shall be printed as a document of the House; 3) that the balance of such material shall be deemed to have been received in executive session but shall be released from that status on September 28, 1998, except as otherwise determined by the committee, and material so released shall immediately be submitted for printing as a document of the House; and 4) procedures for access to executive-session material and conduct of and attendance at meetings of the committee].

Sept. 11, 1998—Executive Communication No. 10849—a letter from Kenneth W. Starr, the Independent Counsel, transmitting a Referral to the United States House of Representatives filed in conformity with the requirements of title 28, United States Code, section 595(c)—referred to the Committee on the Judiciary and printed as **House Document 105-310**.

Sept. 17, 1998—The Committee met in executive session to consider the release of certain documents, records, and materials received from the Independent Counsel. (Votes printed in Committee Print, Serial No. 7).

Sept. 18, 1998—The Committee continued in executive session to consider the release of certain documents, records, and materials received from the Independent Counsel. The Committee agreed to release approximately 2,800 pages of the documents received by the House from the Office of the Independent Counsel (with redactions approved by the Committee and without certain material filed under seal with the United States District Court for the Eastern District of Arkansas) and agreed to release the video version of the President's August 17, 1998 testimony before the grand jury. (Votes printed in Committee Print, Serial No. 7).

Sept. 18, 1998—Executive Communication No. 11083—a letter from Kenneth W. Starr, the Office of the Independent Counsel, transmitting appendices to the Referral to the United States House of Representatives pursuant to title 28, United States Code, section 595(c) submitted by the Office of Independent Counsel, September 9, 1998—referred to the Committee on the Judiciary and printed as **House Document 105-311, parts 1 and 2**.

Sept. 21, 1998—The video version of the President's August 17, 1998 grand jury testimony televised and **House Document 105-311** released to the public.

Sept. 25, 1998—The Committee met in executive session to consider redaction of and the withholding of certain documents, records, and materials received from the Independent Counsel on September 9, 1998, in conformity with the requirements of title 28, United States Code, section 595(c), which would otherwise be required to be released on September 28, 1998, pursuant to H.Res. 525. The Committee agreed to release certain pages of the documents received by the House from the Office of the Independent Counsel. (Votes printed in Committee Print, Serial No. 7).

Sept. 28, 1998—Executive Communication No. 11337—a letter from the Committee on the Judiciary releasing the preliminary memorandum of the President of the United States concerning the Referral of the Office of the Independent Counsel and the initial response of the President of the United States to the Referral of the Office of the Independent Counsel ordered printed as **House Document 105-317**.

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ONE HUNDRED FIFTH CONGRESS—Continued

- Sept. 28, 1998—Executive Communication No. 11340—a letter from Kenneth W. Starr, the Office of the Independent Counsel, transmitting supplemental materials to the Referral to the United States House of Representatives pursuant to title 28, United States Code, section 595(c) submitted by the Office of Independent Counsel, September 9, 1998—referred to the Committee on the Judiciary and printed as House Document 105-316, parts 1-3.
- Oct. 5, 1998—The Committee received a presentation by the Inquiry Staff. The Committee ordered reported to the House an original resolution to authorize an investigation as to 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 (21 years; 16 days). [Previously defeated an amendment in the nature of a substitute offered by Mr. Boucher (16 years; 21 days), and an amendment offered by Mr. Berman (16 years; 21 days)]. The Committee adopted Impeachment Inquiry Procedures. (Printed as Committee Print, Serial No. 8).
- Oct. 7, 1998—Mr. Hyde, Committee on the Judiciary, reported to the House as an original measure, H.Res. 581, a resolution authorizing and directing the Committee on the Judiciary to investigate whether sufficient grounds exist for the impeachment of William Jefferson Clinton, President of the United States. (H.Rept. 105-795).
- Oct. 8, 1998—The House agreed to H.Res. 581. (258 yeas; 176 nays).
- Nov. 5, 1998—The Committee released “Constitutional Grounds for Presidential Impeachment: Modern Precedents”. (Committee Print, Serial No. 9).
- Nov. 6, 1998—The Committee released “Impeachment—Selected Materials”. (Committee Print, Serial No. 10).
- Nov. 9, 1998—Hearing by the Subcommittee on the Constitution on the “Background and History of Impeachment”. (Hearing, Serial No. 63).
- Nov. 13, 1998—Additional investigative materials received by the Committee from the Office of Independent Counsel in response to a letter sent to the OIC by Chairman Hyde and Ranking Minority Member Conyers inquiring as to whether the OIC intended to send additional information. (Pursuant to Committee rules, such materials were received in executive session).
- Nov. 17, 1998—The Committee released 37 audiotapes (approximately 22 hours edited to reflect redactions agreed upon by the Committee) of conversations between Monica S. Lewinsky and Linda Tripp which were transmitted to the Congress by the Office of Independent Counsel on September 9, 1998. (The written transcripts are contained in House Document 105-316, pages 2478 through 2799).
- Nov. 19, 1998—Hearing by the full Committee. (Testimony from Kenneth W. Starr, Independent Counsel). (Hearing, Serial No. 66).
- Nov. 19, 1998—The Committee met in executive session and authorized the issuance of subpoenas for depositions from Mr. Daniel Gecker (21 yeas; 16 nays), Mr. Nathan Landow (23 yeas; 14 nays), Mr. Robert Bennett (21 yeas; 16 nays), and Mr. Bruce Lindsey (*unanimous consent*). (Motions with respect to going into executive session printed in Hearing, Serial No. 66).
- Nov. 27, 1998—The Committee received responses of President Clinton to 81 questions submitted by the Committee November 5, 1998.
- Dec. 1, 1998—Hearing by the full Committee on the “Consequences of Perjury and Related Crimes”. [Testimony from Ms. Pam Parsons, Dr. Barabara Battalino, The Honorable Gerald B. Tjoflat, The Honorable Charles E. Wiggins, The Honorable A. Leon Higginbotham, Jr., The Honorable Elliot Richardson, Admiral Leon A. Edney, U.S.N. (Ret.), Lieutenant General Thomas P. Carney, U.S.A. (Ret.), Professor Alan Dershowitz, Professor Stephen Saltzburg, and Professor Jeffrey Rosen]. (Hearing, Serial No. 67).
- Dec. 1, 1998—The Committee met and authorized the issuance of a subpoena to Attorney General Janet Reno for certain memoranda and documents relating to the Department of Justice campaign finance investigation; the issuance of a subpoena to Independent Counsel Kenneth W. Starr for any and all files directly or indirectly concerning John Huang; and the issuance of subpoenas for depositions from The Honorable Louis Freeh, Director of the Federal Bureau of Investigation, and from Charles LaBella, former head of the Campaign Financing Task Force. (Considered en bloc: 20 yeas; 15 nays).
- Dec. 3, 1998—The Committee announced that the Committee will not address allegations involving abuse of campaign finance laws in its impeachment deliberations. (See December 1, 1998, above).
- Dec. 8, 1998—Hearing by the full Committee. (Testimony on behalf of the White House from Gregory B. Craig, Esquire, Assistant to the President and Special Counsel; the Honorable Nicholas Katzenbach, Professor Bruce Ackerman, Professor Sean Wilentz, Professor Bruce H. Beer; the Honorable Elizabeth Holtzman; the Honorable Robert J. Drinan, S.J.; the Honorable Wayne Owens; James Hamilton, Esquire; and Richard Ben-Veniste, Esquire). (Hearing, Serial No. 68).
- Dec. 9, 1998—Hearing by the full Committee. (Testimony on behalf of the White House from Thomas P. Sullivan, Esquire; Richard J. Davis, Esquire; Edward S.G. Dennis, Jr., Esquire; the Honorable William Weld; Ronald Noble, Esquire; and the Honorable Charles F.C. Ruff, Counsel to the President). (Hearing, Serial No. 68).
- Dec. 10, 1998—The Committee met in executive session and voted to release certain materials received and gathered by the Committee in executive session.
- Dec. 10, 1998—The Committee began consideration of articles of impeachment, receiving presentations by Abbe Lowell, Minority Chief Investigative Counsel, and by David Schippers, Chief Investigative Counsel (printed in Committee Print, Serial No. 19) and began hearing opening statements from Members of the Committee (printed in Committee Print, Serial No. 18).

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ONE HUNDRED FIFTH CONGRESS—Continued

Dec. 11, 1998—The Committee continued consideration of articles of impeachment (printed in Committee Print, Serial No. 18), hearing remaining opening statements from Members of the Committee. The Committee began mark-up of a resolution containing four articles of impeachment:

Agreed to Article I—Perjury Before the Grand Jury. (21 years; 16 nays).

Agreed to Article II—Perjury in the Jones Case. (20 years; 17 nays).

Agreed to Article III—Obstruction of Justice. (21 years; 16 nays).

Dec. 12, 1998—The Committee continued mark-up of a resolution containing articles of impeachment (printed in Committee Print, Serial No. 18):

Agreed to Article IV—Abuse of Power. (21 years; 16 nays).

[Previously agreed to an amendment striking certain provisions. (29 years; 5 nays; 3 "present")].

The Committee ordered the four articles of impeachment reported to the House in the form of an original resolution impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors.

Dec. 12, 1998—The Committee failed to order reported to the House an original joint resolution expressing the sense of Congress with respect to the censure of William Jefferson Clinton (14 years; 22 nays 1 "present") and subsequently rejected by voice vote a motion to report the joint resolution adversely to the House. (Printed in Committee Print, Serial No. 18).

Dec. 16, 1998—Mr. Hyde, Committee on the Judiciary, reported to the House as an original measure, H.Res. 611, a resolution impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors. (H.Rept. 105-830).

Dec. 16, 1998—The Committee released "Constitutional Grounds for Presidential Impeachment: Modern Precedents—Minority Views". (Committee Print, Serial No. 17).

Dec. 18, 1998—The House began general debate on H.Res. 611.

Dec. 19, 1998—The House completed general debate on H.Res. 611. The House considered H.Res. 611:

Agreed to a motion to table a motion to appeal a ruling of the Chair that a motion to recommit H.Res. 611 to the Committee on the Judiciary with instructions was not germane. (230 years; 204 nays).

Agreed to Article I—Perjury Before the Grand Jury. (228 years; 206 nays).

Disagreed to Article II—Perjury in the Jones Case. (205 years; 229 nays).

Agreed to Article III—Obstruction of Justice. (221 years; 212 nays).

Disagreed to Article IV—Abuse of Power. (148 years; 285 nays).

Dec. 19, 1998—The House agreed to H.Res. 614 appointing and authorizing managers for the impeachment trial of William Jefferson Clinton, President of the United States. (H.Res. 614 provides for the appointment of managers, notification of the Senate, and authorization of the managers to take actions as necessary, including funding of through the Committee on the Judiciary or applicable accounts of the House). (228 years; 190 nays). (Appointed as managers: Representatives Hyde, Sensenbrenner, McCollum, Gekas, Canady, Buyer, Bryant, Chabot, Barr, Hutchinson, Cannon, Rogan, and Graham).

Dec. 19, 1998—The managers on the part of the House presented the adopted articles of impeachment to the Secretary of the Senate.

ONE HUNDRED SIXTH CONGRESS

Jan. 6, 1999—The House agreed to H.Res. 10 appointing and authorizing managers for the impeachment trial of William Jefferson Clinton, President of the United States. (In continuance of the authority conferred in H.Res. 614 of the 105th Congress, provides for the appointment of managers, notification of the Senate, and authorization of the managers to take actions as necessary, including funding of through the Committee on the Judiciary or applicable accounts of the House). (286 years; 132 nays). (Appointed as managers: Representatives Hyde, Sensenbrenner, McCollum, Gekas, Canady, Buyer, Bryant, Chabot, Barr, Hutchinson, Cannon, Rogan, and Graham).

Jan. 6, 1999—The Senate agreed to a unanimous consent request that the Secretary of the Senate inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against William Jefferson Clinton, President of the United States, and will receive such honorable managers at the hour of 10:00 a.m. on Thursday, January 7, 1999.

Jan. 6, 1999—The Senate agreed to a unanimous consent request that at the hour of 1:00 p.m. on Thursday, January 7, 1999, the Senate will proceed to the consideration of articles of impeachment.

Jan. 7, 1999—The Senate received the managers appointed by the House of Representatives who presented and exhibited Articles of Impeachment against William Jefferson Clinton, President of the United States.

Jan. 7, 1999—Pursuant to rule IV of the Senate Rules on Impeachment and the United States Constitution, the Presiding Officer of the Senate administered the oath to William H. Rehnquist, Chief Justice of the United States.

Jan. 7, 1999—In conformance with Article I, section 3, clause 6, of the Constitution and the Senate Rules on Impeachment, the Chief Justice administered the oath to Members of the Senate to sit as a Court of Impeachment.

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ONE HUNDRED SIXTH CONGRESS—Continued

Jan. 8, 1999—The Senate, sitting as a Court of Impeachment, agreed to S.Res. 16, to provide for issuance of a summons and for related procedures concerning the articles of impeachment against William Jefferson Clinton, President of the United States. (100 yeas; 0 nays). (S.Res. 16 provides that:

A summons be issued and that the President may have until 12 noon on Monday, January 11, 1999, to file his answer with the Secretary of the Senate; that the House have until 12 noon on January 13, 1999, to file its replication with the Secretary of the Senate, together with the record consisting of those publicly available materials submitted to or produced by the House Committee on the Judiciary and any materials printed by the House of Representatives or the House Committee on the Judiciary pursuant to House resolutions 525 and 581. Such record will be admitted into evidence, printed, and made available to Senators. If the House wishes to file a trial brief, it shall be filed by 5 p.m. on January 11, 1999.

The President shall have until 5 p.m. on January 11, 1999, to file any motions permitted under the rules of impeachment, except for motions to subpoena witnesses or present any evidence not in the record. Responses to any such motions shall be filed no later than 10 a.m. on January 13, 1999. The President may file a trial brief at or before that time. The House may file a rebuttal brief no later than 10 a.m. on January 14, 1999. Arguments on such motions shall begin at 1 p.m. on January 13, 1999, and each side may determine the number of persons to make its presentation, following which the Senate shall deliberate and vote on any such motions.

Following the disposition of motions, at 1 p.m. on January 14, 1999, the House shall make its presentation in support of the articles of impeachment for a period of time not to exceed 24 hours. The presentation shall be limited to argument from the record.

Following the House presentation, the President shall make his presentation for a period not to exceed 24 hours, and limited to argument from the record.

Upon the conclusion of the President's presentation, Senators may question the parties for a period of time not to exceed 16 hours.

After the conclusion of questioning by the Senate, it shall be in order to consider and debate a motion to dismiss as outlined by the rules of impeachment. Following debate it shall be in order to make a motion to subpoena witnesses and/or present any evidence not in the record, with the debate on that motion limited to 6 hours. Following debate and any deliberation, the Senate shall proceed to vote on the motion to dismiss, and if defeated, immediately vote on the motion to subpoena witnesses and/or to present any evidence not in the record.

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. The time for depositions shall be agreed upon by the Senate leaders. No testimony shall be admissible in the Senate unless the parties have had an opportunity to depose such witnesses.

If the Senate fails to dismiss the case, the parties will proceed to present evidence. At the conclusion of the deliberation by the Senate, the Senate shall proceed to vote on each article of impeachment).

Jan. 11, 1999—The President filed his answer in response to the summons with respect to the articles of impeachment. (Printed in Senate Document 106-2).

Jan. 11, 1999—The House filed its trial brief.

Jan. 13, 1999—The President filed his trial brief.

Jan. 13, 1999—The House filed its replication to the answer of the President to the articles of impeachment (printed in Senate Document 106-2) together with the record (consisting of those publicly available materials submitted to or produced by the House Committee on the Judiciary and materials printed by the House of Representatives or the House Committee on the Judiciary pursuant to House resolutions 525 and 581) for admission into evidence (printed as Senate Document 106-3).

Jan. 13, 1999—The Senate ordered "Impeachment of President William Jefferson Clinton—Constitutional Provisions; Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials; Articles of Impeachment Against President William Jefferson Clinton; President Clinton's Answer; and Replication of the House of Representatives" printed as Senate Document 106-2.

Jan. 14, 1999—The House began its presentation in support of the articles of impeachment:

Opening statement by Representative Hyde.

Overview by Representative Sensenbrenner.

Presentation of relevant facts by Representatives Bryant, Hutchinson, and Rogan.

Jan. 15, 1999—The House continued its presentation in support of the articles of impeachment:

Factual summation by Representative McCollum.

Presentation on the law with respect to perjury and obstruction of justice by Representatives Gekas, Chabot, Cannon, and Barr.

Jan. 16, 1999—The House continued its presentation in support of the articles of impeachment:

Presentation on constitutional law relating to the case by Representatives Buyer, Graham, and Canady.

Final summation and closing to the initial presentation by Representative Hyde.

Jan. 19, 1999—The counsel for the President began their presentation in opposition to the articles of impeachment:

Opening statement by Charles F.C. Ruff, Counsel to the President.

Jan. 20, 1999—The counsel for the President continued their presentation in opposition to the articles of impeachment:

Presentation of facts relating to the charge of grand jury perjury set forth in article I by Gregory B. Craig, Special Counsel to the President.

Presentation of facts relating to the charge of obstruction of justice set forth in article II by Cheryl D. Mills, Deputy Counsel to the President.

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ONE HUNDRED SIXTH CONGRESS—Continued

- Jan. 21, 1999—The counsel for the President continued their presentation in opposition to the articles of impeachment: Presentation by David E. Kendall, personal counsel to the President.
Closing statement by former Governor and Senator Dale Bumpers, Counsel to the President.
- Jan. 22, 1999—The Senate began the question and answer period (not to exceed 16 hours), with Senators posing questions to the House managers and the President's counsel.
- Jan. 23, 1999—The Senate concluded the question and answer period.
- Jan. 25, 1999—A motion was made in the Senate that the impeachment proceedings against William Jefferson Clinton, President of the United States, be dismissed; such motion was followed by arguments by the managers on the part of the House and the counsel for the President.
- Jan. 25, 1999—The Senate rejected a motion that the deliberations of the Senate on the motion to dismiss be in open session, two-thirds affirmative vote required. (43 yeas; 57 nays).
- Jan. 25, 1999—The Senate met in closed session to consider the motion to dismiss.
- Jan. 25, 1999—The Senate agreed to a unanimous consent request that when the Senate begins debate on the motion to subpoena witnesses, the time for argument be reduced to 4 hours, equally divided.
- Jan. 26, 1999—A motion was made in the Senate by the managers on the part of the House that the Senate authorize and issue subpoenas for the appearance of the following witnesses at a deposition for the purpose of providing testimony related to the impeachment trial: 1. Monica S. Lewinsky, 2. Vernon E. Jordan, Jr., and 3. Sidney Blumenthal; and further that the Senate admit into the record: 1. the affidavit of Barry Ward, Law Clerk to the Honorable Susan Webber Wright, U.S. District Court Judge for the Eastern District of Arkansas, 2. the sworn declaration of T. Wesley Holmes, and attachments thereto, and 3. certain telephone records which document conversations between Monica S. Lewinsky and William Jefferson Clinton, including a 56-minute exchange on December 6, 1997; and additionally petitioning the Senate to request the appearance of William Jefferson Clinton, President of the United States, at a deposition, for the purpose of providing testimony related to the impeachment trial. Such motion was followed by arguments by the managers on the part of the House and the counsel for the President.
- Jan. 26, 1999—The Senate rejected a motion that the deliberations of the Senate on the motion to subpoena witnesses be in open session, two-thirds affirmative vote required. (41 yeas; 58 nays).
- Jan. 26, 1999—The Senate met in closed session to consider the motion to subpoena witnesses and to admit evidence not in the record.
- Jan. 27, 1999—The Senate rejected the motion to dismiss. (44 yeas; 56 nays).
- Jan. 27, 1999—The Senate agreed to the motion to subpoena witnesses and admit evidence not in the record. (56 yeas; 44 nays).
- Jan. 28, 1999—The Senate agreed to S.Res. 30 (amended), relative to the procedures concerning the Articles of Impeachment against William Jefferson Clinton. (54 yeas; 44 nays). [Previously agreed to an amendment making a modification regarding the issuance of subpoenas to take depositions in the trial of the articles of impeachment. (54 yeas; 44 nays)]. [Previously rejected an amendment in the nature of a substitute. (44 yeas; 54 nays)]. [Previously rejected an amendment in the nature of a substitute. (43 yeas; 55 nays)].
- S.Res. 30, as amended, includes:
- TITLE I—Procedures Concerning the Articles of Impeachment Against William Jefferson Clinton—provides that:
- The deposition time for all witnesses be determined by the Senate Majority Leader and Minority Leader, as provided in S.Res. 16 and title II of S.Res. 30, and that all Senators have an opportunity to review all deposition material.
- When the Senate convenes on the day after completion of depositions and the review period, it shall be in order for both the House managers and the President's counsel to move to resolve any objections made during any deposition; after resolution, it shall be in order for the House managers and/or the President's counsel to make a motion or motions to admit the deposition or portions thereof into evidence, whether transcribed or on videotape, and it shall then be in order for the two Leaders jointly to make motions for additional discovery because of new relevant evidence discovered during the depositions; and motions may also then be made for orders governing the presentation of evidence and/or testifying of witnesses before the Senate.
- If no such motions are made, or following the completion of procedures authorized as a result of the votes on any motions, the President shall have up to 24 hours to make any motions dealing with testimony or evidence that the President's counsel deem appropriate.
- If no such motions are made, or no witnesses are called to testify in the Senate, the Senate shall proceed to final arguments as provided in the impeachment rules waiving the two person rule contained in Rule XXII of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials for not to exceed 6 hours, equally divided. If motions are agreed to regarding new evidence or calling of new witnesses, this resolution is suspended.
- At the conclusion of final arguments, the parties shall proceed in accordance with the rules of impeachment, *provided however*, that no motion with respect to reopening the record in the case shall be in order, and *provided further*, that it shall be in order for a Senator to offer a motion to suspend the rules to allow for open final deliberations with no amendments or motions to that motion in order; and the Senate shall proceed to vote on such motion.
- Following that vote, and if no motions have been agreed to as provided above, and no motions are agreed to following the arguments, then the vote will occur on the articles of impeachment no later than 12:00 noon on Friday, February 12, 1999, if all motions are disposed of and final deliberations are completed.

IMPEACHMENT INQUIRY

ONE HUNDRED SIXTH CONGRESS—Continued

TITLE II—To Authorize Issuance of Subpoenas to Take Depositions in the Trial of the Articles of Impeachment Against William Jefferson Clinton, President of the United States—provides that:

The Chief Justice of the United States, through the Secretary of the Senate, shall issue subpoenas for the taking of testimony on oral deposition to the following witnesses: Sidney Blumenthal, Monica S. Lewinsky, and Vernon E. Jordan, Jr.

The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or any other employee of the Senate in serving the subpoenas.

Depositions authorized by this resolution shall be taken before, and presided over by, on behalf of the Senate, two Senators appointed by the Majority Leader and the Democratic Leader acting jointly, one of whom shall administer to witnesses the oath prescribed by Rule XXV. Acting jointly, the presiding officers shall have authority to rule, as an initial matter, upon any question arising out of the deposition. All objections to a question shall be noted by the presiding officers upon the record of the deposition but the examination shall proceed, and the witness shall answer such question. A witness may refuse to answer a question only when necessary to preserve a legally-recognized privilege, or constitutional right, and must identify such privilege cited if so refusing.

Examination of witnesses at depositions shall be conducted by the managers on the part of the House or their counsel and by counsel for the President (limited to 2 persons each side). Witnesses may be accompanied by counsel. The scope shall be limited to the subject matters reflected in the Senate record. The party taking a deposition shall present to the other party, at least 18 hours in advance, copies of all exhibits intended to be entered into the deposition. No exhibits outside of the Senate record shall be employed, except for articles and materials in the press, including electronic media. Any party may interrogate any witness as if declared adverse.

The depositions shall be videotaped and a transcript of the proceedings made. The depositions shall be conducted in private. Admission to any deposition will be limited to: the witness, counsel for the witness, managers on the part of the House, counsel for the managers, and the presiding officers; further, such persons whose presence is required to make and preserve a record of the proceedings in videotaped and transcript forms, and Senate staff members necessary to assist the presiding officers in presiding over the depositions, or for other purposes, as determined by the Majority Leader and the Democratic Leader. All present must maintain the confidentiality of the proceedings.

The presiding officers at the depositions shall file the videotaped and transcribed records of the depositions with the Secretary of the Senate, who shall maintain them as confidential proceedings of the Senate. The Sergeant at Arms is authorized to make available for review at secure locations any of the videotaped or transcribed deposition records to Senators, 1 designated staff member per Senator, and the Chief Justice. The Senate may direct the Secretary of the Senate to distribute such materials and to use whatever means of dissemination, including printing as Senate documents, printing in the Congressional Record, photo- and video-duplication, and electronic dissemination, he determines appropriate.

The depositions authorized by this resolution shall be deemed to be proceedings before the Senate for purposes of Rule XXIX of the Standing Rules of the Senate, S.Res. 259, One Hundredth Congress, First Session, sections 191, 192, 194, 288b, 288d, 288f of title 2, United States Code, sections 6002, 6005 of title 18, United States Code, and section 1365 of title 28, United States Code. The Secretary shall arrange for stenographic assistance, including videotaping, to record the depositions as provided in section 205. Such expenses as may be necessary shall be paid from the Appropriation Account—Miscellaneous Items in the contingent fund of the Senate.

The Majority and Minority Leaders, acting jointly, may make any other provision for the orderly and fair conduct of these depositions as they deem appropriate.

The Secretary shall notify the managers on the part of the House and the counsel for the President of this resolution.

Jan. 28, 1999—The Senate agreed to a unanimous consent request that the time and place to take depositions in the trial of the articles of impeachment against William Jefferson Clinton be decided jointly by the Majority Leader and the Democratic Leader, and shall be set forth in each subpoena; that the opportunity for taking depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal expires when the Senate convenes on Thursday, February 4, 1999; and that each deposition may last no more than 8 hours, unless the majority leader and the Democratic leader determine on a deposition-by-deposition basis to extend the time allotted for examination, shall be divided equally between the parties, and time consumed by objections shall not be charged to either objecting party. (Subsequently it was announced that the depositions will begin on Monday, February 1, 1999).

Feb. 1, 1999—Monica S. Lewinsky deposed. (Excerpts admitted into evidence printed in the February 4, 1999 Congressional Record, pages S1212-S1229).

Feb. 2, 1999—Vernon E. Jordan, Jr., deposed. (Excerpts admitted into evidence printed in the February 4, 1999 Congressional Record, pages S1229-S1246).

Feb. 3, 1999—Sidney Blumenthal deposed. (Excerpts admitted into evidence printed in the February 4, 1999 Congressional Record, pages S1246-S1254).

Feb. 4, 1999—The Senate heard a motion by the managers on the part of the House for the admission of evidence, the appearance of witnesses, and the presentation of evidence. [Provides for 1) the admission into evidence of the transcriptions and videotapes of the oral depositions, taken pursuant to S.Res. 30; 2) that the Senate authorize and issue a subpoena for the appearance of Monica S. Lewinsky before the Senate for a period of time not to exceed 8 hours (and related procedures); and 3) that the parties be permitted to present before the Senate, for a period of time not to exceed 6 hours, equally divided, all or portions of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence. and that House managers be entitled to reserve a portion of its presentation time. The motion was divided for purposes of voting:

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ONE HUNDRED SIXTH CONGRESS—Continued

- The Senate agreed to Division 1 (admission of evidence). (*100 yeas; 0 nays*).
- The Senate disagreed to Division 2 (appearance of Monica S. Lewinski before the Senate). (*30 yeas; 70 nays*).
- The Senate agreed to Division 3 (presentation of evidence in the form of videotapes of the depositions). (*62 yeas; 38 nays*). (Previously rejected a substitute to Division 3 of the motion substituting written transcriptions for the videotapes. *27 yeas; 73 nays*).
- Feb. 4, 1999—The Senate disagreed to a motion that the Senate proceed to closing arguments, with 4 hours equally divided; and that following the arguments the Senate proceed to a final vote with no intervening business. (*44 yeas; 56 nays*).
- Feb. 4, 1999—The Senate disagreed to a motion by the President's counsel that the House managers provide written notice to counsel for the President indicating the video excerpts to be used during the presentation of evidence. (*46 yeas; 54 nays*).
- Feb. 4, 1999—The Senate agreed to a unanimous consent request that the Senate stand in adjournment until Saturday, February 6, 1999, at 10 a.m.; further that on that date there will be 6 hours for presentations, equally divided between the House managers and the President's counsel; and further that following such presentations, the Senate will stand adjourned until 1 p.m. on Monday, February 8, 1999.
- Feb. 4, 1999—The Senate agreed to a unanimous consent request that those parts of the transcripts of the depositions admitted into evidence be printed in the Congressional Record of February 4, 1999 (pages S1212-S1254); and further that the deposition transcripts of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal, and the videotapes thereof, be immediately released to the managers on the part of the House and the counsel to the President for the purpose of preparing their presentations; provided, however, that such copies shall remain at all times under the supervision of the Sergeant at Arms to ensure compliance with the confidentiality provisions of S.Res. 30.
- Feb. 6, 1999—The Senate heard the presentations of evidence by the managers on the part of the House and the counsel of the President.
- Feb. 8, 1999—Objection was heard in the Senate to a unanimous consent request to enter into the Senate record affidavits of Christopher Hitchens and his wife, Carol Blue, with respect to the deposition of Sidney Blumenthal.
- Feb. 8, 1999—The Senate heard closing arguments by Representatives Sensenbrenner, Cannon, Gekas, Chabot, Barr, Buyer, McCollum, Canady, Bryant, Hutchinson, Rogan, Graham, and Hyde as managers on the part of the House, and Charles F.C. Ruff as counsel to the President.
- Feb. 9, 1999—Objection was heard in the Senate to a unanimous consent request that the parties be allowed to take additional discovery, including testimony on oral deposition of Mr. Christopher Hitchens, Ms. Carol Blue, Mr. R. Scott Armstrong, and Mr. Sidney Blumenthal with regard to possible fraud on the Senate by alleged perjury in the deposition testimony of Mr. Sidney Blumenthal with respect to allegations that he, Mr. Sidney Blumenthal, was involved with the dissemination beyond the White House of information detrimental to the credibility of Ms. Monica Lewinsky; and that pursuant to the authority of title II of S.Res. 30, the Chief Justice of the United States, through the Secretary of the Senate, shall issue subpoenas for the taking of such testimony at a time and place to be determined by the Majority Leader after consultation with the Democratic Leader; and, further, that these depositions be conducted pursuant to procedures set forth in title II of S.Res. 30, except that the last four sentences of section 204 shall not apply to these depositions; and provided, further, however, that the final sentence of section 204 shall apply to the deposition of Mr. Sidney Blumenthal.
- Feb. 9, 1999—The Senate disagreed to a motion to suspend the rules of the Senate in order to conduct open deliberations, two-thirds affirmative vote required. (*59 yeas; 41 nays*). (Previously, objection was heard to a unanimous consent request that there be a 40-minute debate, equally divided, on the motion to suspend the rules).
- Feb. 9, 1999—The Senate agreed to a motion that any Senator may insert their final deliberations on the articles of impeachment (held in closed session) in the Congressional Record at the conclusion of the trial.
- Feb. 9, 1999—The Senate agreed to a motion that the doors for final deliberations be closed, majority affirmative vote required. (*53 yeas; 47 nays*). (Previously, objection was heard to a unanimous consent request that the yeas and nays be vitiated).
- Feb. 9, 10, 11, 1999—The Senate met in closed session for final deliberations.
- Feb. 11, 1999—The Senate agreed to a unanimous consent request for the appointment of a committee to escort the Chief Justice out of the Senate Chamber at the conclusion of the Court of Impeachment. (Subsequently the Majority Leader appointed Senators Thurmond, Roth, and Domenici; the Minority Leader appointed Senators Sarbanes, Moynihan, and Lincoln).
- Feb. 11, 1999—The Senate agreed to a unanimous consent request providing that, if Senator Feinstein offers her motion to suspend the rules in order to attempt to consider a censure resolution, immediately following the reading of the motion by the clerk Senator Gramm be recognized to offer a motion to postpone the Feinstein motion indefinitely; further, that immediately following the reporting of the Gramm motion by the clerk, the Senate proceed to vote on the Gramm motion; and further, that following the vote, if two-thirds of the Senate fail to defeat the motion to postpone, then the motion to suspend is withdrawn and that no further motions relative to censure be in order prior to this week's adjournment of the Senate.

IMPEACHMENT INQUIRY

ONE HUNDRED SIXTH CONGRESS—Continued

Feb. 12, 1999—The Senate agreed to a unanimous consent request that public statements made by Senators subsequent to the approval of the February 9, 1999 motion with respect to their statements made during the closed sessions be deemed to be in compliance with the Senate rules; further, that Senators have until Tuesday, February 23, 1999, to insert statements and opinions in the Congressional Record explaining their views; and further, that the Secretary of the Senate be authorized to include these statements, along with the full record of the Senate's proceedings, the filings of the parties, and the supplemental materials admitted into evidence by the Senate, in a Senate document printed under the supervision of the Secretary of the Senate, that will complete the documentation of the Senate's handling of these impeachment proceedings. (Printed in Senate Document 106-4).

Feb. 12, 1999—The Senate met in closed session to conclude final deliberations.

Feb. 12, 1999—The Senate continued in open session.

Feb. 12, 1999—The Senate adjudged that William Jefferson Clinton, President of the United States, is not guilty as charged in article I (Perjury Before the Grand Jury), two-thirds not having pronounced him guilty. (*45 guilty; 55 not guilty*).

Feb. 12, 1999—The Senate adjudged that William Jefferson Clinton, President of the United States, is not guilty as charged in article II (Obstruction of Justice), two-thirds not having pronounced him guilty. (*50 guilty; 50 not guilty*).

Feb. 12, 1999—The Secretary of the Senate was directed to communicate to the Secretary of State and also to the House of Representatives the judgment of the Senate in the case of William Jefferson Clinton, and transmit a certified copy of the judgment to each.

Feb. 12, 1999—The Senate agreed by unanimous consent to S.Res. 37, to express gratitude for the service of the Chief Justice of the United States as Presiding Officer during the impeachment trial.

Feb. 12, 1999—The Senate agreed to a unanimous consent request that the affidavits of Christopher Hitchens, Carol Blue, and R. Scott Armstrong, be admitted into evidence in this impeachment proceeding, and that the full written transcript of the depositions taken pursuant to S.Res. 30 be included in the public record of the trial.

Feb. 12, 1999—The Senate, sitting as a Court of Impeachment on the articles exhibited against William Jefferson Clinton, adjourned sine die.

RESOLUTION OF CENSURE

Feb. 12, 1999—Senator Gramm objected to Senator Feinstein's motion to suspend the rules in order to permit a motion to proceed to a censure resolution.

Feb. 12, 1999—Senator Feinstein moved to suspend the rules (notice of which was filed on Monday, February 8) in order to permit the motion to proceed.

Feb. 12, 1999—The Senate agreed to a motion by Senator Gramm to indefinitely postpone the consideration of the Feinstein motion, two-thirds not having voted in the negative. (*43 yeas; 56 nays*). (Subsequently, pursuant to the unanimous consent agreement of February 11, 1999, the motion to suspend was withdrawn and the Feinstein motion to proceed fell).