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Senate

The Senate was not in session today. Its next meeting will be held on Wednesday, January 6, 1999, at 12 noon.

House of Representatives

FRIDAY, DECEMBER 18, 1998

PRIVILEGES OF THE HOUSE—IMPEACHING WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

(Continued)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair reminds all persons in the gallery that they are here as guests of the House. Any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MASCARA).

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

Mr. MASCARA. Mr. Speaker, I come to the well today to express my disappointment at the impeachment proceedings that are taking place on the House floor today. I am deeply disappointed and disillusioned. As debate continues tonight, I would like to ironically quote President Nixon who said the Nation needs a sense of history more than a sense of histrionics.

As I listened to the Clerk reading the articles of impeachment today, I was both saddened and ashamed to be a part of these proceedings. It is an emotional time for me, to participate in this dark period of our history impeaching the President of the United States. I have consistently defended the integrity of public service generally and service in this House, specifically saying that in spite of the cynicism and the low regard, oftentimes, and hatred for elective office, I am proud and honored to be a Member of the United States House of Representatives. Regrettably, those feelings have been somewhat diminished and tainted as a result of these unfair proceedings.

While the President's behavior was reprehensible, most constitutional scholars believe these charges do not rise to a level of impeachment.

I oppose the House Resolution 611.

Mr. Speaker, I seldom come to the House floor to speak unless I have something important to say. And I have never made disparaging remarks about any Member of this House—Republican or Democrat.

I come to the well today to express my disappointment at the impeachment proceedings that are taking place on the House floor today. I am deeply disappointed and disillusioned. As the debate continues tonight I would like to ironically quote President Nixon who said "The nations needs a sense of history more than a sense of historonics. As I listened to the clerk reading the articles of impeachment this morning, I was both saddened and ashamed to be a part of these proceedings. It was an emotional time for me to participate in a dark period of our history—Impeaching the President of the United States.

I have consistently defended the integrity of public service generally, and service in this House specifically, saying that in spite of the cynicism out there regarding elective office, I am proud and honored to be a Member of the House of Representatives. Regrettably, those feelings have been somewhat diminished and tainted as a result of these unfair proceedings.

While the President's behavior was reprehensible most constitutional scholars, believe the charges here today do not rise to the level of impeachable offenses.

We have been asked to vote our conscience, yet the majority is denying Members, both Democrats and Republicans, the right to vote their conscience in favor of censure. That is patently unfair. A majority of the American people are being denied an opportunity for their voice to be heard on an issue overturning their electoral will. This is deeply dividing our Nation. Polarizing our citizens.

I ask our Republican friends to be fair! To do the right thing! Permit a vote on censure.

I oppose House Resolution 611.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 40 seconds.

I just want to respond to the charges of the coup d'etat again and what the gentleman from New York (Mr. NADLER) said a while ago, that all the scholars we had before our committee said that these were nonimpeachable offenses, that prosecutors would not indict, that this would overthrow an election.

The fact is, there is a wide division over the impeachment question. We had just as many scholars who said these are impeachable.

I happen to believe deeply perjury is equally grave or more grave than bribery and we in fact punish it more severely. As far as prosecutors, there are a lot of prosecutors who indict. We had one panel of the President's witnesses saying that.

We are not about to overthrow an election. We are simply about to send a matter to a trial in the Senate who might choose to do that if they find the President guilty of perjury and obstruction of justice.

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

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Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. INGLIS), a member of the committee.

Mr. INGLIS of South Carolina. Mr. Speaker, this is the last time I will be able to speak to the House of Representatives.

I rise in support of the articles of impeachment because here tonight we have to answer three questions: First, are we a people of convenience or of conviction? Second, are we a constitutional Republic or a democracy? Third, are we a Nation based on truth or a Nation based on moral relativisim?

The first of those questions, a people of convenience or a people of conviction. I have heard a lot of discussion about how the stock market may do this or that. We have heard refuting evidence that actually NASDAQ went up. We have heard about the disruption this may cause. So the question is, has our instant gratification come to the place where we need a microwave solution rather than a lasting solution based on principle and sound understanding of the Constitution?

The second question that really has been fascinating to hear here today is whether we are a democracy or a constitutional Republic. I must say that some of our friends on the Democratic side of the aisle have misunderstood the name of their party with the basis of our government.

We are not a democracy. This is a constitutional Republic. If it were a democracy, then if Baptists outnumbered Roman Catholics, Baptists could decide legitimately in a pure democracy to ban masses on Sunday. But thank goodness we are not a democracy. We are a constitutional Republic. And therein lies the rub here today on the floor.

Here on the floor today we are dealing with a Constitution, and we are dealing with the principles contained in the Constitution. And those principles must hold sway over last night's overnight poll. That poll is insignificant compared to the lasting words of the Constitution.

The third question we must answer is, are we a Nation based on truth or a Nation based on moral relativisim? This, I think, is the nub of the question. Does the truth matter or is everything relative? Is there any truth or is my truth different than your truth? And we can have inconsistent truths, and there is really no truth.

I hope that America will always be a place of commitment to essential truths, the essential truths that Mr. Jefferson wrote about in the preamble to the Declaration of Independence: I hope that it will always be a place of freedom coupled with responsibility. And that is what we are seeing here in the case of the President.

I hope that it will always be a place of caring through families and local communities, a place of free enterprise within the context of fair competition, and a place of strength capable of defending freedom. Those things are what is at stake here tonight.

I hope that the House of Representatives here tonight will vote to uphold the rule of law and to say that whenever our conduct, any of us, or any President's conduct contravenes the Constitution of the United States, that the people's House will rise up and say, no matter what party you are from, the Constitution must hold sway there rather than last night's overnight poll or any temporary affection that the people may hold for any particular officeholder.

That is my hope. That is why I hope we pass articles of impeachment here tomorrow.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I thank my colleague for yielding me the time.

I was not planning to speak on this matter until tomorrow, but I heard repeated references to my old friend, Speaker O'Neill. And I feel compelled to respond.

Some Members have mentioned the impeachment of President Nixon and said that former Speaker O'Neill refused to consider a resolution censuring him. Mr. Speaker, I was here back in 1974, when Richard Nixon was being considered for impeachment. Thomas O'Neill was not the speaker. Carl Albert was.

Furthermore, Mr. Speaker, no resolution to impeach President Nixon ever came to the House. President Nixon resigned before that happened.

Robert Healy, the noted Boston Globe writer, in an excellent op-ed piece which ran in the Boston Globe yesterday, compares the possible impeachments of President Nixon and President Reagan and the country's responses to them.

His piece quotes a book by Robert Timberg which says, ''There were similarities between Watergate and Iran-Contra: abuse of authority, bunker mentality, cover-up, oval office tapes, National Security Council messages, televised hearings, world class stupidity.''

But there was a difference. Tip O'Neill knew it. We all knew it. Mr. Speaker, Speaker O'Neill knew the weight of impeachment. With Nixon, Healy says, ''a great majority of Americans had accepted the notion that Nixon had to go. They believed he had committed high crimes because he had used agencies such as the CIA and the IRS against the citizenry.''

Some 12 years later, in the White House, Speaker O'Neill and President Ronald Reagan were alone in a meeting. Impeachment was in the air in Washington. The Iran-Contra story had broken with charges of arms sold to Iran. The profit directed to the Contra movement in Nicaragua. Healy says, and I quote, O'Neill cared only about two things that day with regard to the Reagan presidency. First, the Nation had been through a presidential trauma for 2 years with Nixon and it was not going to happen again.

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And second, O'Neill believed strongly in the proposition put forth by James Madison in the 1787 debates at the convention that framed the Constitution, the people were king in America. Therefore, one should be extraordinarily circumspect about turning out a President who had twice been elected by an overwhelming majority.

Mr. Speaker, I would advise my Republican colleagues to be extraordinarily circumspect about what they are about to do to a popular President who has been twice elected and should be censured and not impeached.

Mr. Speaker, I include for the RECORD Mr. Healy's op-ed piece.

[From the Boston Globe, Dec. 17, 1998]

GOP COULD LEARN FROM TIP O'NEILL

(By Robert Healy)

On a hot, still night in August 1974, young and old walked around the White House, carrying flickering candles. Two uniformed guards stood watch outside the gates on Pennsylvania Avenue. There were no tanks, no show of guns.

Earlier that day, in a one-sentence letter to Secretary of State Henry Kissinger, Richard Nixon had resigned, the first president to do so. He would officially announce it the next day. Copies of the letter had been sent to House Speaker Thomas O'Neill and Senate Majority Leader Mike Mansfield.

Inside the White House, Chief of Staff Alexander Haig was trying to hold things together. Nixon's behavior was irrational: bouts of paranoia and drinking in the morning. Haig recalled later at a background dinner that he and Secretary of Defense James Schlesinger had talked to the commanding officer of the presidential Army troops stationed at Fort McNair, a short distance from the White House on the Potomac, and ordered him not to respond to any last-minute directions from the president.

It was over. The candle bearers outside the White House, some of whom had opposed Nixon at Vietnam demonstrations and had been smoked with tear gas, knew it was over. Republicans and Democrats in Congress who were prepared to vote for articles of impeachment knew it was over. Kissinger, Haig, and Schlesinger knew it was over. After months of the Watergate storm, a sense of inevitability had settled in.

It did not mean everyone in the world understood what was going on. At a Georgia Air Force base, Prince Bandar bin Sultan, later to be ambassador to the United States from Saudi Arabia, was training to fly jets and had been alerted by his government that the president would resign. He said he could not sleep that night because he thought at some time planes would be taking off from the base in support of a coup to retain the president.

It didn't happen because the people in America, a great majority at least, had accepted the notion that Nixon had to go. The case had been made that he had committed ''high crimes'' by using agencies such as the CIA and the IRS to war against the citizenry.

The scene shifts to the White House 12 years later. It is late 1986, Speaker O'Neill and President Ronald Reagan are alone in a meeting. Impeachment is in the air in Washington. The Iran-Contra story had broken: arms sold to Iran, the profits diverted to the Contra movement in Nicaragua.

O'Neill cared about only two things that day with regard to the Reagan presidency. First, the nation had been through a presidential trauma for two years with Nixon and

it was not going to happen again. And, second, O'Neill believed strongly in the proposition put forth by James Madison in the 1787 debates at he convention that framed the Constitution: The people were king in America. Therefore, one should be extraordinarily circumspect about turning out a president who had been twice elected by an overwhelming majority.

O'Neill's reasoning was a totally political decision, as Madison and the other framers intended. In fact, in Madison's notes on the Constitutional Convention, Governor Robert Morris, the host Pennsylvania governor, argued that should a president be reelected while under impeachment fire, ''that will be a sufficient proof of his innocence.''

Robert Timberg's book, ''The Nightingale's Song,'' an exquisite profile of five Annapolis men shaped by Vietnam, including three Iran-Contra principals (North, Poindexter, and Robert McFarlane), draws a portrait of a coup in Reagan's National Security Council led and carried out by these three freebooters.

It seemed, Timberg wrote, to be ''something out of 'Seven Days in May,' a right-wing military cabal trying to take over the government'' with the military all over the terrain when, in reality, it was even more complex than that. ''There were similarities between Watergate and Iran-Contra. Abuse of authority. Bunker mentality. Coverup. Oval office tapes/National Security Council messages. Televised hearings. World class stupidity.'' Nixon, he noted, was smart and paranoid. ''Reagan, not nearly so smart, was charming and made a slicker getaway.''

And the Annapolis men who served Reagan were different from the University of Southern California men who surrounded Nixon.

But the real difference was the endgame. In his heart, O'Neill knew the popular Reagan would never be removed from office, and the speaker didn't want to put the country through a House impeachment and Senate trial that would close down the government for months.

The lesson is there in the case of the impeachment of President Clinton. The Nixon and Reagan cases were distinctive, yet they both bowed to the public perception of the gravity of the facts and the president's involvement in those facts.

Do the Republicans really want to put the nation through the agony of impeachment if, in the end, Clinton wins acquittal in the Senate?

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. NEUMANN).

Mr. NEUMANN. Mr. Speaker, I want to be very clear on why it is that I am voting for impeachment. I would like to bring this whole discussion back to the facts in the case.

What do we know here? We know we have a 50-year-old married man, the most powerful man in the world, who had repeated sexual relations with a woman, a subordinate, 27 years his junior. We know that he came on national television and shook his finger in our face and said, I did not have any such affair. We know that under oath in January he was asked, and I quote, ''Have you ever had sexual relations with Monica Lewinsky?'' To which he responded, and again I quote, ''I never had sexual relations with Monica Lewinsky. I never had an affair with her.''

We know that in August, after careful consideration, he was asked that question again and he again stated under oath, and I quote, ''My recollection is that I did not have sexual relations with Monica Lewinsky and I am standing on my former statement about that.'' And we know the stain on Monica Lewinsky's dress proved beyond any shadow of a doubt that he did have sexual relations with this woman.

There is no walk of life in the United States of America where this behavior would be accepted. A college professor having consensual sex with one of his students would be dismissed. A CEO guilty of an office affair with an intern would be fired. A physician, a counselor, a pastor would lose their right to practice. A military officer would be dishonorably discharged.

Finally, there is one last thing that needs to be brought out here. For all of those that say that this is partisan politics and partisan bickering, I would like to read some quotes directly out of the draft Democrat resolution for censureship. It says, and I quote, ''William Jefferson Clinton made false statements concerning his reprehensible conduct with a subordinate,'' and continues to say, ''William Jefferson Clinton wrongly took steps to delay the discovery of the truth.'' It was read by my colleague from Wisconsin and I heard it on the radio and verified in writing afterwards. These are President Clinton's defenders.

I have listened carefully to this debate today. The words used by the other side, not the Republicans, by the people defending him that quote, ''reprehensible, deplorable, liar, misleading, manipulative and immoral.''

I sincerely hope that my vote sends a strong message to every young person in America that extramarital affair, coupled with perjury, is not acceptable behavior in this great Nation.

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Speaker, I represent the Fourth District of Arkansas, the district that includes Hope and Hot Springs, the birthplace and the boyhood home of President Bill Clinton.

When I first decided that I would not declare my intentions on the question of impeachment, it was mainly for the reason that I wanted to make sure of the charges and I wanted to encourage my constituents to assist me in this decision. Even though a substantial majority of the people who have made contact with me are in favor of impeachment or resignation, almost all have a heavy heart.

Why is this? Because so many people in my district have their own self-esteem intertwined with the well-being of their friend, Bill Clinton. So while they have reason to be embarrassed, disappointed and even disgusted, they are in large part in denial.

Abraham Lincoln has a story that illustrates this dilemma. There was a farmer who had a tree by his house. It was a majestic looking tree and apparently perfect in every part, tall, straight and immense in size, the grand old sentinel of his forest home. One morning, while at work in his garden, he saw a squirrel run up the tree into a hole and thought the tree might be hollow. He proceeded to examine it carefully. And much to his surprise, he found that the stately tree that he had valued for its beauty and grandeur to be the pride and protection of his little farmhouse was hollow from top to bottom. Only a rim of sound wood remained, barely sufficient to support its weight.

What was he to do? If he cut it down, it would do great damage with its great length and its spreading branches. If he let it remain, his family was in constant danger. In a storm it might fall or the wind might blow the tree against his house and crush his house and his children. What should he do? As he turned away he said sadly, ''I wish I had never seen that squirrel.''

Reasons for me to vote against impeachment are legion. But maybe the most significant is that Arkansans have suffered enough and our young people need for me, one more time, to stand up for the reputation of our State, to say to the rest of the world there are law abiding, church going, hard working people in Arkansas and our State does not like what has had to be revealed by the harsh application of the mandates of the independent counsel statute.

However, what I am about to do today is done because it has brought home to me that I am first to represent America and not Arkansas. But as I state that I am an American first, I must tell my colleagues that the issue today is no longer about the character of Bill Clinton, it is about the character of our Nation.

We must not let President Clinton hinder us as a nation in maintaining the standards of conduct that we should expect from our leaders, especially as it relates to the rule of law. As he has been obsessed to keep his job, he has blindly asked us to bring our Nation's standards down. He is a person of enormous gifts of communication and leadership, but we have to say sadly ''no'' to what he wants us to do in this regard.

The law is king. The king is not the law. Though I have done this before and in my own way the good folks of Arkansas have directed me to forgive President Clinton for the mistakes he has confessed to and those he has not admitted yet, I have shown him this individually and now do this as a Representative of my constituents.

I stand here today much like the schoolboy who wrote to the fabled and beloved Shoeless Joe Jackson of the Chicago White Sox of old. He wrote when he found out that Shoeless Joe was taking money to lose the 1919 World Series, saying, ''Say it ain't so, Joe.''

That young man was not bitter, was not drawing judgment. He just saw something he desperately did not want

to believe. And he cared so much for Joe that, as a last act of his hope, love and devotion, he wanted Joe to tell him.

That, my colleagues, is the heart as I best can describe to you of the proud and wonderful people of the Fourth District of Arkansas.

Some people have directed me to a slogan that has the initials WWJD. I have applied what this acronym says, but we could also use the initials WWALD. What would Abraham Lincoln do? Here is one of his quotations. ''Never add the weight of your character to a charge against a person without having it to be true.''

Having tried repeatedly to find a way to talk my conscience into a different conclusion, I have decided to vote for at least two articles of impeachment, Article I and Article III, keeping in mind that this is a referral to the Senate for the finding of guilt or innocence.

What I want my colleagues to know is that my heart is heavy but my conscience is clear.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, in the spirit of Hamilton, Madison and Mason, I rise in opposition to all four articles of impeachment.

Mr. Speaker, I rise in opposition to the four articles of impeachment against President William Jefferson Clinton.

At the outset, Mr. Speaker, I strenuously object to this debate on impeaching the President of the United States while our nation and our Allies, are engaged in a military confrontation. To do so brings dishonor upon this House.

We are here because President Clinton had a consensual, extramarital affair and allegedly lied about it in a civil deposition and to a Federal Grand Jury. After 10 months of investigation, a federal independent counsel recommended to the House Judiciary Committee that the President's alleged legal infractions involving his truthfulness about this affair rise to the level of impeachable offenses. The Committee revised the Independent Counsel's recommendations and sent four articles of impeachment to the floor.

Now the full House of Representatives must weigh the evidence and decide this fateful issue of whether to impeach the President. The issues, to me, come down to these questions: Do the President's actions, while clearly wrong and deserving of rebuke, amount to the high crimes and misdemeanors required by the Constitution for impeachment? Do these actions warrant putting the country through the wrenching process of an impeachment trial in the Senate—a trial that could take months and paralyze the legislative process to the detriment of the other issues before us?

We must ask ourselves whether we are willing to overturn the 1996 elections. We must ask ourselves if the precedent set by such impeachment strengthen or weaken our system of government.

To reach the right decision today, I believe we must step back from the partisanship of the moment and place impeachment in the context of our system of government, as established in the Constitution. Our Founding Fathers could have established a Parliamentary system with the election of the nation's leader by the Majority Party in the national legislature. They did not. They established a system that at first indirectly elected a President; then that system evolved into one where the people directly elected the President.

Vacating the vote of the people strikes at the core of our republic and must not be taken lightly. While not determinative, we cannot forge that opinion polls have shown that two-thirds of the American people do not want the President impeached, but nearly the same number would support some form of public rebuked, which unfortunately, we will not consider today.

This issue is too complex to be partisan. Congress has to decide not only what the majority wants, but what is in the best interest of the country and what is required by the Constitution. Congress should not succumb to the herd mentality of a fervent minority in Congress or the chattering opinion classes of Washington. Impeachment should be a result of consensus, not partisan rancor. In fact, impeachment by a narrow party line vote may well be viewed by history more on the basis of partisanship that the underlying issue of the alleged infractions. History may judge our actions today as partisan rather than principled and, thus, effectively exonerate President Clinton rather than punish him for his conduct.

Impeachment was designed to protect the country and its integrity against Political crimes. Impeachment is not a tool of punishment to be used against a President because his opponents personally dislike or even hate him. It is not a tool to use against a President for incompetence. In fact, the framers of the Constitution removed ''maladministration'' as a category for impeachment. The framers felt that ''maladministration'' would have made impeachment too easy.

In Federalist Papers #65, Alexander Hamilton wrote that impeachment is ''for those offenses which proceed from the misconduct of public men, or in the words, from the abuse or violations of some public trust.'' Those crimes must be ''of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself.'' Hamilton's words define a very high, but appropriate threshold for any impeachment test.

As critical question that has been raised repeatedly is whether the rule of law has been threatened or has our political system been seriously injured by the President's actions? In short, what constitutes a high crime and misdemeanor?

Is allegedly lying under oath in a deposition regarding personal conduct in a civil case since dismissed and settled, which is the base charge from which all other articles of impeachment flow, injurious to our political system? Does it undermine the rule of law?

Perhaps. Then again, perhaps not. These are very abstract issues that one could easily decide on the basis of whether or not they liked this particular president. But, the real problem is once you decide it for one, you have set a historical precedent for all others.

Some, in particular the Chairman of the Judiciary Committee, Rep. Hyde, have stated that if nothing else, lying in any context, whether under oath or about a personal matter, undermines the rule of law and poses such a threat to American democracy that impeachment is warranted and necessary.

But, does it undermine the rule of law more so that President Lyndon Johnson using falsified information to pass the Gulf of Tonkin Resolution to expand U.S. involvement in Vietnam? Is it more so a high crime that illegally bombing Cambodia or using the CIA to subvert an FBI investigation? Is it more so a high crime and misdemeanor than President Ronald Reagan and his administration willfully violating the Balanced Amendment, the law banning aid to the Nicaraguan Contras through arm sales to Iran? Is lying to Congress, hiding the truth from the American people, and destroying evidence undermining the rule of law more than perjury in any instance?

Chairman Hyde, in 1987, said of the Iran-Contra scandal, ''It just seems too simplistic to condemn all lying'' in the real world of geo-politics. He further quoted Thomas Jefferson as stating ''strict adherence to the written law is doubtless one of the high duties of a good citizen but it is not the highest.''

Based upon Rep. Hyde's defense of the Reagan Administration's alleged lying to Congress and subversion of Federal law, what basis then do we have for ''the rule of law'' if a President who disagrees with a certain law over legitimate policy reasons chooses to willfully ignore it or violate it?

Let me be clear, I don't like what President Clinton did. It was wrong, reckless, and reprehensible. I am offended by the original act. I am angered that he chose not to fess up once he had been caught, and I am outraged that we spent millions on an investigation to chase around and find out if it were true, especially after the American people had already figured it out.

I am also appalled that prosecutors in the Independent Counsel's office would actually spend public time and money questioning whether the United States might seek to indict and convict a former President of perjury in a civil suit regarding sex in a case that has since been dismissed, while the world considers whether Augusto Pinochet, the former Chilean dictator, can be extradited for alleged crimes against humanity, involving scores of deaths including of an American on U.S. soil.

And, of course, as we all tell our children, just as our parent told us, in the end you are a lot better off if you tell the truth. But, ultimately, we must ask whether taking the first step to remove a duly elected President to protect our political system because of a potential legal infraction of perjury in a civil case since dismissed and devoid of public policy is necessary?

Based upon what I have read, I have come to the conclusion that NO, this does not reach that level. The President's actions may well be found to have constituted perjury but do not constitute crimes against the state for which, I believe, impeachment was designed. If this House adopts articles of impeachment on the basis laid out by the Majority, the precedent set here today will certainly, I believe, undermine 211 years of our system of government and democracy.

It is truly a shame that the leadership of the Republican Majority is effectively forcing the hands of members in a process that is very unfair and undemocratic. It it the American way to stifle debate? Is this just another procedure by the House Leadership not to trust

the members to make up their own minds? Presenting the Congress with a vote on impeachment only is like saying to a jury, you can vote for either the death penalty or acquittal. To say that impeachment is ''censure plus'' is a mistake. We don't know that the Senate won't convict. We should not shrug our shoulders and hedge our bets that way. To do so is fool hardy and irresponsible. Not only does that view lower the bar for what may be impeachable offenses, but it cheapens impeachment as well. In short, it makes folly out of the Constitution and undermines the very rule of law that we are all espousing that we uphold.

The worst of Alexander Hamilton's premonitions is coming true. In Federalist #65, he wrote that ''In many cases, it [impeachment] will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or on the other; and in such cases their will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.''

The President, not the nation, should be punished for his actions. Censure is entirely appropriate and Constitutional. Twice before in our history we have censured Presidents: Andrew Jackson, whose censure was revoked by a subsequent Congress before he retired, and James K. Polk, who was censured for his administration of the Mexican-American War.

We also know that history and legacy are the currency of the business of public policy. I believe whatever Congress does, history, in large part, will judge President Clinton, no matter what his policy successes may be, by this incident with Monica Lewinsky. The two names will be forever inseparable. But, this Congress will also have a place in this history. Will Congress be remembered as statesmanlike or a partisan circus that couldn't let go of a ''Get the President at any Cost'' mentality. It seems that the anger and vitriol of a few members is going to stop the rest of the House from voting its conscience on this matter by denying us the opportunity to vote on a Censure Resolution. I believe history will look upon this impeachment as it looks upon the impeachment of Andrew Johnson; as a low point in our nation's history when we ignored our better angels.

In the end, the alleged crimes or infractions of the President, as offensive as they are, do not meet the level of ''high crimes and misdemeanors,'' nor do I believe it is in the best interest of the nation that we endure a trial in the Senate over these issues for the next six to 12 months. On that basis, I rise to oppose impeachment. Impeachment, in this case, does not serve to protect the nation. In fact, it would serve to undermine the very rule of law that we are trying to uphold by setting a precedent of a standard of impeachment so low that future Congresses could intimidate the executive branch and create a shift toward a British style Parliamentary system of government.

Congress should publicly condemn the President's conduct through a joint resolution of censure, cosigning this President to history with the undoubtedly indelible mark of scandal.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, I submit for the RECORD the following statement detailing why I will be in opposition to the four articles of impeachment.

After reading and studying the written material available to me and viewing the House Judiciary Committee hearings, I cannot in good conscience support the impeachment of President William Jefferson Clinton.

I am very disappointed with the unjust and highly partisan manner in which the House Judiciary Committee hearings were conducted. The hearings lacked due process. The Committee did not take any evidentiary testimony of material witnesses. The Committee's star witness, Independent Council Ken Starr, was not a material witness and in fact was not present when material witnesses were interviewed by the Grand Jury.

The Committee failed to produce ''clear and convincing'' evidence to support its articles of impeachment. It is my conclusion that the four articles of impeachment brought against the President do not reach the constitutional standard of ''high crimes and misdemeanors,'' even if proven. The lack of bipartisan support for any of the articles is a sad indication that they are based more on partisan politics than on any substantial evidence.

President Clinton has unquestionably and admittedly done wrong. Members of Congress should be given the opportunity to condemn his actions through an official resolution of censure. The President will, and should, pay for his wrongdoing in public esteem and tarnished legacy. The nation, the Presidency, and the democratic process, however, need not bear the cost of continuing what has become little more than a wasteful partisan drama.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CONDIT).

Mr. CONDIT. Mr. Speaker, I rise in opposition to the resolution.

Throughout this difficult process I have worked very hard to remain objective and have taken great steps to avoid prejudging President Clinton, the work of the Independent Counsel, or the motives of others concerned with this matter. I supported a thorough investigation and, in fact, was one of 31 Democrats to vote for an open impeachment inquiry by the Judiciary Committee. I wanted all the serious charges that have been brought against the President investigated, resolved, and acted upon.

Kenneth Starr presented his findings, ultimately dismissing the charges regarding the Whitewater Development Company, White House Travel Office firings and handling of the FBI files.

Following Judge Starr's actions, the Judiciary Committee determined that alleged campaign finance abuses during the 1996 election season lacked merit and declined to take further action. After all was said and done the remaining charges centered on the President's personal behavior.

I expected the Judiciary Committee to conduct a meaningful, nonpartisan investigation of the President's conduct. However, what resulted was politically-driven drama which leaves me with serious reservations whether the case has been made for removing the President from office.

Without question the President's behavior was inexcusable and indefensible. It was wrong. He has said so himself and apologized to the American people. However, to overturn the electoral will of the American people requires a much higher threshold than personal misconduct.

Impeachment is far too serious an issue to be decided along party lines, yet the proceedings in the Judiciary Committee were acutely partisan. At a time when truth should have been paramount, the Judiciary Committee drew lines in the sand. I am very concerned that given the historical magnitude of this vote, that is a precedent we ought not to set.

While the actions of the President cannot be condoned, I have grave reservations whether they meet the constitutional standards for removal from office. While the President may very well be forced at some point in the future to face civil charges for his actions, given the information currently available to us, removal from office isn't justified. Unfortunately, no alternative to impeachment was allowed consideration. Instead, the House of Representatives was presented with an ''all-or-nothing'' choice.

I have seriously considered these multiple investigations as well as the President's personal behavior and have spent a great deal of time reflecting on them. To prolong this national ordeal is unthinkable. We must bring it to an end and we must do so now. To draw this out further is not in the best interests of the country or the American people.

We are in a period where the politics of personal destruction have taken precedence. Millions of dollars are spent in seemingly endless partisan investigations whose only purpose is to discredit and embarrass political opponents. It poisons the debate and undermines sincere efforts to find solutions to the problems facing our nation.

People of good will are sincerely divided by this issue. Regardless of the ultimate resolution, America and the American people are greater than this and we will get beyond this trying time. Above all else, I am confident we will rise above this.

I have confidence in the American people and in our institutions.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BRADY).

(Mr. BRADY of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to not impeach the President of the United States.

Mr. Speaker, seven months ago next Monday, I was sworn in as a Member of this House. That was one of the proudest days of my life, but not because I had been elected to high office. It was a proud day because I thought I was becoming a part of something bigger than me, something with dignity and honor. I thought I was joining a team.

In my remarks that day, I told this House that, as far as I am concerned, the team that I am on is the team of the United States of America. Now I know that there is no Team USA in this body. There is only team GOP. That majority in this body is about to drag this country through the mud in order to get revenge for losing the last two national elections. The leadership of this House is willing to trample over the Constitution in order to punish our President for the crime of beating their candidate.

Mr. Speaker, I am not proud to be a part of this body today. But, I am proud to support my President. I am proud to support him because this is not just about Bill Clinton the man. It is about philosophies and the philosophies of the American people.

President Clinton wants Social Security reform—for them. He wanted a patients' bill of rights and a good education—for them.

You may, and probably will, impeach him this weekend. But you will never impeach the will and the opinion of the American people. I urge my colleagues to vote no on impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. MEEHAN), A MEMBER OF THE COMMITTEE.

Mr. MEEHAN. Mr. Speaker, I feel I need to respond to the gentleman from Wisconsin who totally misrepresented the President's grand jury testimony. He said that the President did not admit to sexual relations with Monica Lewinsky. In the grand jury testimony he admitted the inappropriate relationship with Monica Lewinsky. I wish he had done it earlier, but he clearly did it then.

He did not give prosecutors all the details. The only conflict in the testimony between the President and Monica Lewinsky is when and where the President touched Monica Lewinsky.

Now, let's be serious. Are my colleagues ready to send over to the United States Senate a trial on impeachment about when and where the President touched Monica Lewinsky? That is what this case is about.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), A MEMBER OF THE COMMITTEE.

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

Mr. DELAHUNT. Mr. Speaker, no one excuses the President's behavior. It deserves our censure and our condemnation. But I am just as concerned about our behavior, about the effect our actions may have on eroding public confidence and the rule of law and the principles of fairness and due process that are embedded in our Constitution that make this nation, this America, so unique among the family of nations. I believe this is ultimately more important than the fate of one particular president.

When we began this inquiry, I expressed the hope that it would be thorough, fair, and respectful of the rule of law and so that our verdict would be respected as well and we would be found no less worthy of praise than those who conducted the Nixon inquiry nearly 25 years ago. They managed to transcend partisanship, to set a standard of fairness and due process that earned them an honored place in our history. And I am truly saddened that we failed to measure up.

It was the gentleman from Illinois (Mr. HYDE) who said that without bipartisan support any impeachment is doomed. And I agree. Yet the majority has sacrificed the legitimacy of this impeachment by proceeding without that support.

As we prepare to render our verdict on President Clinton, the American people and history itself are sitting in judgment on us and I believe they will judge us harshly because we have failed in our duty to the rule of law. We failed the rule of law when we abdicated our constitutional responsibility to an unelected prosecutor, when we rubber stamped his conclusions and failed to conduct our own independent examination of a record replete with contradictions, inconsistencies and half truths. We failed the rule of law when we could not summon the political courage to call real witnesses to test their credibility.

President Nixon was afforded that opportunity. President Clinton was not, and that was unfair. We failed the rule of law when we informed the President's counsel of the precise charges only after he made his closing argument. That was unfair. We failed the rule of law when we put the burden on the President to prove his innocence. That was unfair.

Presidents are not above the law but they, no less than other citizens, are entitled to its protections. That is what distinguishes a free country from a totalitarian one. And let us hope that the freedom we have struggled so hard to achieve will weather this storm for the sake of the country that we all love so dearly.

I oppose the articles of impeachment as reported by the Judiciary Committee. I agree with much of the reasoning included in the Minority's Dissenting Views. However, I write separately to clarify my own perspective on a number of matters, including the reliability of the allegations upon which the case for impeachment is based.

I neither condone nor excuse the President's admitted misdeeds. However, I agree with my Minority colleagues that the allegations, even if true, do not form a constitutionally sufficient basis for impeachment. Whatever the Founders meant by ''high Crimes and Misdemeanors,'' it is well-established that impeachment should be reserved for situations in which the incumbent poses so grave a danger to the Republic that he must be replaced before finishing his term of office. The Majority has utterly failed to establish that such is the case here.

As for the allegations themselves, however, I do not believe the Minority is in any better position to assess their accuracy than the Majority. The committee took no direct testimony in this matter. We called not a single witness who could testify to the facts. Instead, we relied solely on the assertions contained in the referral of the Independent Counsel. Those assertions are based on grand jury testimony and other information—much of it ambiguous and contradictory—whose credibility has never been tested through cross-examination.

Even absent such evidentiary problems, Article II of the Constitution imposes upon the committee a solemn obligation—which it may not delegate to the Independent Counsel or any other individual—to conduct a thorough and independent examination of the allegations and make its own findings of fact.

By failing to do this—by merely rubber-stamping the conclusions of the Independent Counsel—we have not only failed to establish a factual basis for the charges set forth in the articles of impeachment, but have abdicated our constitutional role to an unelected prosecutor and recklessly lowered the bar for future impeachments. In so doing, we have sanctioned an encroachment upon the Executive Branch that could upset the delicate equilibrium among the three branches of government that is our chief protection against tyranny.

A related casualty of our cavalier approach to this investigation has been the due process to which even our Presidents are entitled. We released the referral—including thousands of pages of secret grand jury testimony—within hours of its receipt, before either the Judiciary Committee or the President's counsel had any opportunity to examine it. We voted to initiate a formal inquiry against the President without even a cursory review of the allegations. We required the President's counsel to prepare his defense without knowing what charges would be brought. And we released articles of impeachment—drafted in secrecy by the Majority alone—before the President's counsel had even finished his presentation to the committee.

Having put before the public a one-sided case for the prosecution, some member of the Majority actually suggested that the President had the burden of proving his innocence. When he attempted to do so, those same members accused him of ''splitting hairs.''

This was perhaps the most disturbing aspect of our proceedings. We live in a nation of laws, in which every person—whether pauper or President—is entitled to due process. This has nothing to do with ''legal hairsplitting.'' It has everything to do with requiring those who wield the awesome power of the State to meet their burden of proof. That is what distinguishes this country from a totalitarian one. That is the genius of a Constitution crafted by men who knew and understood the nature of tyranny. As one former United States Attorney testified during our hearings, those who complain most loudly about such ''technicalities'' are the first to resort to them when it is they who stand accused.

Public confidence in the rule of law is ultimately more important than the fate of one particular President. And the official lawlessness that has characterized this investigation has done far more to shake that confidence than anything of which the President stands accused.

These proceedings stand in stark contrast to those of the Watergate committee—which the Majority had self-consciously adopted as its model. During the Watergate crisis, the Rodino committee managed to transcend partisanship at a critical moment in our national life, and set a standard of fairness that earned it the lasting respect of the American people. As the Judiciary Committee voted to launch this inquiry, I expressed the hope that our proceedings would be equally fair, thorough and bipartisan, and that—whatever our verdict might be—our efforts would be found as worthy of praise.

In at least one important respect, the committee did merit such praise. Chairman HYDE permitted us to offer a censure resolution despite the extraordinary pressures that were

brought to bear for him not to do so. In my view, the resolution which I sponsored, together with Mr. BOUCHER, Mr. BARRETT and Ms. JACKSON LEE, was—and remains—the most appropriate means of condemning the President's misconduct while sparing the nation the further turmoil and uncertainty of a lengthy Senate trial.

Contrary to the continuing claims of some that censure would be unconstitutional, a score of constitutional experts called as witnesses by both Republicans and Democrats on the Committee agreed in writing—by a margin of almost 4 to 1—that the Constitution does not prohibit censure. And it would be a breathtaking departure from the democratic principles which are the soul of the Constitution to deny the full House an opportunity to vote on an alternative to impeachment.

As we stand on the brink of an impeachment vote for only the second time in our history, we can only hope that the democracy that has survived so many storms will weather this crisis as well, and that the irresponsible actions of this Committee will not do lasting damage to the country that we all so dearly love.

OPENING STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS BEFORE THE COMMITTEE ON THE JUDICIARY REGARDING THE PROPOSED RESOLUTION OF INQUIRY—OCTOBER 5, 1998

Mr. Chairman, the issue before us today is not just the conduct of the President. The overriding issue is how this committee will fulfill its own responsibilities at a moment of extraordinary constitutional significance.

Three weeks ago, the Independent Counsel referred information to Congress that he alleged may constitute grounds for impeaching the President.

But it is not the Independent Counsel who is charged by the Constitution to determine whether to initiate impeachment proceedings. That is our mandate. He is not our agent, and we cannot allow his judgments to be substituted for our own.

I am profoundly disturbed at the thought that this committee would base its determination solely on the Starr referral.

Never before in our history has the House proceeded with a presidential impeachment inquiry premised exclusively on the raw allegations of a single prosecutor. Let alone a prosecutor whose excessive zeal has shaken the confidence of fair-minded Americans in our system of justice.

It is the committee's responsibility to conduct our own preliminary investigation to determine whether the information from the Independent Counsel is sufficient to warrant a full-blown investigation. And we have not done that.

If we abdicate that responsibility, we will turn the Independent Counsel Statute into a political weapon with an automatic trigger—aimed at every future president. And in the process, we will have turned the United States Congress into a rubber stamp.

Just as we did when we rushed to release Mr. Starr's narrative within hours of its receipt, before either this committee or the President's counsel had any opportunity to examine it.

Just as we did when we released 7,000 pages of secret grand jury testimony and other documents hand-picked by the Independent Counsel—subverting the grand jury system itself by allowing it to be misused for a political purpose.

Just as we are about to do again: by launching an inquiry when no member of Congress, even now, has had sufficient time to read, much less analyze, these materials. Not to mention the 50,000 pages we have not released.

For all I know, there may be grounds for an inquiry. But before the committee authorizes proceedings that will further traumatize the nation and distract us from the people's business, we must satisfy ourselves that there is ''probable cause'' to recommend an inquiry.

That is precisely what the House instructed us to do on September 10. The chairman of the Rules Committee himself anticipated that we might return the following week to seek ''additional procedural or investigative authorities to adequately review this communication.''

Yet the committee never sought those additional authorities. Apparently we had no intention of reviewing the communication.

That is the difference between the two resolutions before us today. The Majority version permits no independent assessment by the committee, and asks us instead to accept the referral purely on faith.

Our alternative ensures that there is a process—one that is orderly, deliberative and expeditious—for determining whether the referral is a sound basis for an inquiry.

The Majority has made much of the claim that their resolution adopts the same process—indeed, the very language—that was used during the Watergate hearings of 24 years ago.

It may be the same language. But it is not the same process.

In 1974, the Judiciary Committee spent weeks behind closed doors, poring over evidence gathered from a wide variety of sources—including the Ervin Committee and Judge Sirica's grand jury report, as well as the report of the Watergate Special Prosecutor. All before a single document was released. Witnesses were examined and cross-examined by the President's own counsel. Confidential material, including secret grand jury testimony, was never made public. In fact, nearly a generation later it remains under seal.

It is too late now to claim that we are honoring the Watergate precedent. The damage is done. But it is not too late for us to learn from the mistakes of the last three weeks. If we adopt a fair, thoughtful, bipartisan process, I am confident the American people will embrace our conclusions, whatever they may be.

If the Majority chooses to do otherwise, it certainly has the votes to prevail. Just as the Democratic majority had the votes in 1974. But the Rodino committee recognized the overriding importance of transcending partisanship. And it earned the respect of the American people.

It is our challenge to ensure that history is as kind to the work of this committee.

STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS REGARDING THE RELEASE OF PRESIDENTIAL GRAND JURY TESTIMONY—SEPTEMBER 18, 1998

Today, the House Judiciary Committee voted to release to the public several volumes of supporting material received from the Independent Counsel nine days ago, including grand jury transcripts and the President's videotaped testimony.

In my judgment, the headlong rush to publicize secret grand jury testimony not only endangers the rights of the individuals involved in this particular case, but also undermines the integrity of one of the cornerstones of our system of justice—the grand jury system itself.

Unfortunately, the readiness of the majority to ignore these perils also calls into question the fundamental fairness of our own proceedings.

THE PACE ACCELERATES

On September 9, Independent Counsel Kenneth Starr sent the House of Representatives a 445-page report, together with some 2,000 pages of supporting materials, telephone records, videotaped testimony and other sensitive material, as well as 17 boxes of other information.

Within 48 hours, the House had voted to release the report and give the Judiciary Committee until September 28 to decide whether any of the remaining material should be kept confidential. While I agreed that we should release the report, I opposed our doing so before either the President's attorneys or members of the Committee had been given even a minimal opportunity to review it.

That vote was seven days ago. Since then, the breakneck pace has only accelerated. Today, we were asked to vote—10 days ahead of schedule—on whether to release what may well be the most sensitive materials of all—the grand jury transcripts, together with the videotape of the President's testimony.

Those of us who serve on the Committee had been doing our best to review these materials so that we would be in a position to evaluate whether or not they ought to be released. I cannot speak for other members, but I have been as diligent as possible, and had managed by this morning to get through—at most—some 30 percent of this material.

How can anyone make a considered judgment under such circumstances? How can we properly weigh the benefits of immediate disclosure against the harm it might cause? I have done my utmost not to prejudge the outcome of this investigation. I am prepared to follow the facts wherever they lead. But if the American people are to accept the eventual result of our deliberations, they must be satisfied that our proceedings have been thorough, disciplined, methodical and fair.

I seriously doubt that an objective observer looking back on these past nine days could characterize our proceedings in that manner. The process continues to careen forward—without a roadmap—at a dizzying pace.

FUNDAMENTAL FAIRNESS

One portion of the Independent Counsel's report that I made sure to read—not once, but twice—was Mr. Starr's transmittal letter, which cautioned that these supporting materials contain ''confidential material and material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure'' (the rule that provides for the secrecy of grand jury records).

the implication of that warning is that the public disclosure of protected grand jury material could do serious and irrevocable harm—not only to the President, but to the many other individuals caught up in the vast web of the Starr investigation, including innocent third-parties, witnesses, and other potential targets of ongoing (and future) investigations.

In the United States, those accused of criminal wrongdoing are presumed innocent—be they presidents or ordinary citizens. Yet if raw, unproven allegations are disclosed to the public before they can be challenged, the ''presumption of innocence'' loses all meaning. Minds are made up, judgments rendered, and the chance for a fair determination of the facts is lost.

That is one reason why federal grand jury testimony—whether in printed or in audio-visual form—is explicitly shielded from public disclosure under Rule 6(e).

But grand jury secrecy also serves the interests of the prosecution, by encouraging witnesses to come forward and ensuring that prejudicial material will not poison the jury pool and make it impossible to hold a fair trial. This is especially important when the targets and potential targets of an investigation are public figures.

The pre-indictment release of secret testimony compromises both objectives—trampling on the rights of the accused and jeopardizing subsequent indictments. Beyond this, it calls into serious question the fairness and integrity of the grand jury system itself.

''LAUNDERING'' THE EVIDENCE

Through its action today, the Judiciary Committee has engaged in an abuse of the grand jury process that has enabled it to accomplish indirectly what the Independent Counsel was prohibited from doing directly.

The Independent Counsel has developed his case by using the grand jury to compel testimony from various witnesses. Although the grand jury voted to subpoena the President, the videotaped testimony was ultimately obtained under a negotiated agreement, under which the Independent Counsel agreed to treat the testimony as secret grand jury proceedings pursuant to Rule 6(e). It was solely on this basis that the President consented to testify.

The Independent Counsel subsequently received permission from the court to release the videotape, together with the other grand jury material, to the Congress. But the court order did not authorize its further release to the public or the press.

By releasing that testimony to the public, we are—in effect—laundering the evidence so as to nullify the express agreement under which it was obtained. This is an abuse of the grand jury that can only damage the public's faith in that institution and impair its ability to perform its essential role.

And what are the benefits that justify these evils? We are told only that the public has a ''right to know''—an interest in the case that entitles it to the information. Some have even suggested that that interest is a financial one—that the public ''paid'' for this material and is entitled to it.

To this, one can only respond that the public pays for the grand jury testimony in every case. The public has an interest in every case—especially where the case involves high officials or other celebrities. We accommodate that interest by requiring that trials be held in open court. But the public is no more entitled to secret grand jury testimony than it is to classified intelligence. Not even when the case is concluded, let alone while it is still going on.

In an ordinary criminal trial, grand jury testimony is disclosable under Rule 6(e) only under certain specific circumstances. For example, criminal defendants are entitled to see grand jury proceedings in order to cross-examine witnesses or challenge their credibility on the basis of prior inconsistent statements.

On the other hand, the public release of material of this nature would violate not only Rule 6(e), but Department of Justice guidelines, court precedents and ethical rules binding on prosecutors in every jurisdiction in this country. A party found to have disclosed the material would be subject to sanctions, and the material itself would be excludable in court. The court might even grant a defendant's motion to dismiss the case for prejudice.

LOOKING TO PRECEDENT

This is certainly not an ordinary case. But neither is it so exceptional as to justify our riding roughshod over precedent and due process.

In the one historical precedent that is closest to the present situation, due process was scrupulously observed. Twenty-four years ago, a Republican president was under investigation by a Democratic House.

The Judiciary Committee spent seven weeks in closed session, reviewing Judge Sirica's grand jury materials prior to their release. President Nixon's lawyers were permitted not only to participate in these sessions, but to cross-examine witnesses before their testimony was made public.

While there are obviously major differences between the current controversy and the Watergate affair, President Clinton is entitled to the same due process protections afforded President Nixon in the course of that investigation.

In fact, the case for preserving the confidentiality of the evidence is even stronger here than it was in the Watergate case. Mr. Starr's grand jury has made no findings whatsoever with respect to the evidence. The material we have consists merely of selected portions of what the prosecutor put before the grand jury, together with his interpretation of that material. The jurors were never asked whether they thought that the videotape—or any other testimony—provided credible evidence of perjury or other wrongdoing. Having used the grand jury as a tool to gather information, the Independent Counsel bypassed it as a fact-finding body.

That is his prerogative. But the Judiciary Committee has a duty to see that the material provided to use is handled appropriately. If we act carelessly, and in haste, we will not only cripple this President, but will do lasting harm to the values and institutions we hold most dear.

STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS REGARDING HOUSE RESOLUTION 525, PROVIDING FOR RELEASE OF THE REPORT OF THE INDEPENDENT COUNSEL—SEPTEMBER 11, 1998

Mr. Speaker, two days ago, after months of speculation, leaks and revelations, the report of the Independent Counsel was delivered to the House of Representatives. If this resolution is approved this morning, the report will be in the hands of millions of people around the globe by three o'clock this afternoon.

I certainly agree that the report should be released. That is not even an issue. It will be released. The only question is when and how it should be done. For in exercising the responsibilities that the Constitution has thrust upon us, we must be sure that we proceed in a manner that observes the principles of fundamental fairness that are at the heart of that document.

Only then will the American people accept the results, whatever they may be. Only then will we begin to restore the shaken confidence of the nation in its political institutions.

In that regard, Mr. Speaker, I consider the resolution before us today to be our first test. For in deciding the terms under which the highly sensitive material contained in the report should be released to the public, we must weigh carefully the benefits of immediate disclosure against the damage this might do to the fairness of the investigation.

If the resolution is agreed to, the entire 445 pages of the report will be posted on the Internet this very afternoon. Not a page of it will have been examined beforehand by any member of the Committee. Not one page will have been seen first by the President and his attorneys.

Some have argued that we should release the report because the essence of it has already been leaked to the press and appears in this morning's editions. If that is true, it is to be deplored, and the Independent Counsel should have to answer for it. But we should not endorse the unauthorized disclosure of pieces of the report by prematurely releasing the rest of it.

Some have argued that the President already knows what is in the report because he is the subject of it. This argument suggests, at best, a poor understanding of what goes into a prosecutor's report.

Some have argued that we should go ahead and release the report because there are still some 2,000 pages of supporting material that will not be released without Committee review, and this will be sufficient to prevent irreparable harm to lives and reputations. They cite Mr. Starr's request that we treat certain information in the supporting material as confidential, apparently inferring that the information in the report itself does not require such treatment. Yet Mr. Starr did not say this. And even if he had, it is for this House to determine what information should be disclosed. We should not abdicate that responsibility to the Independent Counsel.

Apart from whatever damage the abrupt disclosure of the report might cause to innocent third parties, it will clearly be prejudicial to the President's defense. If the Independent Counsel has done his job, the case he has constructed will be a persuasive one. Prosecutors have enormous power to shape the evidence presented to the grand jury. And—at least at the federal level—they have no obligation to apprise the jurors of exculpatory evidence. The case will seem airtight. Yet until the evidence has withstood cross-examination and the allegations have been proven, they remain nothing more than allegations.

Presidents, no less than ordinary citizens, are entitled to the presumption of innocence. They are entitled to confront the charges against them. Yet, if we adopt this resolution, by the time President Clinton is accorded that right, the charges against him will have circled the globe many times. They will be all the public reads and hears. They will take on a life of their own, and the case will be tried, not by Congress, but in the court of public opinion.

Given these risks, why rush to judgment, Mr. Speaker? After so many months, what possible harm can come from allowing the counsel for the President a few days to review the report so that they can tell his side of the story?

In the one historical precedent we have to look to, that is precisely what was done. Twenty-four years ago, a Republican president was under investigation by a Democratic House. President Nixon's lawyers were permitted to participate in seven weeks of closed sessions, as the Judiciary Committee conducted a confidential review of Judge Sirica's grand jury materials prior to their release. The counsel to the President was even allowed to cross-examine witnesses before their testimony was made public.

Whatever the differences may be between the current controversy and the Watergate affairs, President Clinton should receive the same due process protections accorded to President Nixon in the course of that investigation.

If the people of the United States are to accept our verdict—whatever it may be—they must have confidence in the fairness and integrity of our deliberations. That—far more than the fate of one particular president—is what is at stake.

DISSENTING VIEWS OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS CONCERNING THE RESOLUTION RELATING TO AN INQUIRY OF IMPEACHMENT

I oppose the resolution of inquiry as reported by the Judiciary Committee. I do so based on the concerns expressed in the Minority's dissenting views, and for the additional reasons set forth below.

I

On September 9, 1998, Independent Counsel Kenneth W. Starr referred information to

the House that he alleged may constitute grounds for impeaching the President. In the 30 days that have elapsed since our receipt of that referral, neither the Judiciary Committee nor any other congressional committee has conducted even a preliminary independent review of the allegations it contains.

In the absence of such a review, we have no basis for knowing whether there is sufficient evidence to warrant an inquiry—other than the assertion of the Independent Counsel himself that his information is ''substantial and credible'' and ''may constitute grounds for impeachment.''

I believe that our failure to conduct so much as a cursory examination before launching an impeachment proceeding is an abdication of our responsibility under Article II of the Constitution of the United States. By delegating that responsibility to the Independent Counsel, we sanction an encroachment upon the Executive Branch that could upset the delicate equilibrium among the three branches of government that is our chief protection against tyranny. In so doing, we fulfill the prophecy of Justice Scalia, whose dissent in *Morrison* versus *Olson* (487 U.S. 654, 697 (1988)) foretold with uncanny accuracy the situation that confronts us.

II

The danger perceived by Justice Scalia flows from the nature of the prosecutorial function itself. He quoted a famous passage from an address by Justice Jackson, which described the enormous power that comes with ''prosecutorial discretion'': ''What every prosecutor is practically required to do is to select the cases . . . in which the offense is most flagrant, the public harm, the greatest, and the proof the most certain. . . . If the prosecutor is obliged to choose his case, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than cases that need to be prosecuted. With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigations to work, to pin some offense on him. It is in this realm—in which the prosecutor picks some person whom he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the greatest danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself. *Morrison*, 487 U.S. 654, 728 (Scalia, J., dissenting), *quoting* Robert Jackson, The Federal Prosecutor, Address Delivered at the Second Annual Conference of United States Attorneys (April 1, 1940).''

The tendency toward prosecutorial abuse is held in check through the mechanism of political accountability. When federal prosecutors overreach, ultimate responsibility rests with the president who appointed them. But the Independent Counsel is subject to no such constraints. He is appointed, not by the president or any other elected official, but by a panel of judges with life tenure. If the judges select a prosecutor who is antagonistic to the administration, ''there is no remedy for that, not even a political one.'' 487 U.S. 654, 730 (Scalia, J., dissenting). Nor is there a political remedy (short of removal for cause) when the Independent Counsel perpetuates an investigation that should be brought to an end: ''What would normally be regarded as a technical violation (there are no rules defining such things), may in his or her small world assume the proportions of an indictable offense. What would normally be regarded as an investigation that has reached the level of pursuing such picayune matters that it should be concluded, may to him or her be an investigation that ought to go on for another year. 487 U.S. 654, 732 (Scalia, J., dissenting).''

Under the Independent Counsel Act, there is no political remedy at any point—unless and until the Independent Counsel refers allegations of impeachable offenses to the House of Representatives under section 595(c). At that point, the statute gives way to the ultimate political remedy: the impeachment power entrusted to the House of Representatives under Article II of the Constitution.

III

Section 595(c) of the Independent Counsel Act provides that: ''An independent counsel shall advise the House of Representatives of any substantial and credible information which such independent counsel receives, in carrying out the independent counsel's responsibilities under this chapter, that may constitute grounds for an impeachment. 28 U.S.C. 595(c).''

The statute is silent as to what the House is to do once it receives this information. But under Article II, it is the House—and not the Independent Counsel—which is charged with the determination of whether and how to conduct an impeachment inquiry. He is not our agent, and we cannot allow his judgments to be substituted for our own. Nor can we delegate to him our constitutional responsibilities.

Never in our history—until today—has the House sought to proceed with a presidential impeachment inquiry based solely on the raw allegations of a single prosecutor. The dangers of our doing so have been ably described by Judge Bork, who has written that: ''It is time we abandoned the myth of the need for an independent counsel and faced the reality of what that institution has too often become. We must also face another reality. A culture of irresponsibility has grown up around the independent-counsel law. Congress, the press, and regular prosecutors have found it too easy to wait for the appointment of an independent counsel and then to rely upon him rather than pursue their own constitutional and ethical obligations. Robert H. Bork, Poetic Injustice, National Review, February 23, 1998, at 45, 46 (*emphasis added*).''

We must not fall prey to that temptation. For when impeachment is contemplated, the only check against overzealous prosecution is the House of Representatives. That is why—whatever the merits of the specific allegations contained in the Starr referral—we cannot simply take them on faith. Before we embark on impeachment proceedings that will further traumatize the nation and distract us from the people's business, we have a duty to determine for ourselves whether there is ''probable cause'' that warrants a full-blown inquiry. And we have not done that.

IV

What will happen if we fail in this duty? We will turn the Independent Counsel Act into a political weapon with an automatic trigger—a weapon aimed at every future president.

In *Morrison*, Justice Scalia predicted that the Act would lead to encroachments upon the Executive Branch that could destabilize the constitutional separation of powers among the three branches of government. He cited the debilitating effects upon the presidency of a sustained and virtually unlimited investigation, the leverage it would give the Congress in intergovernmental disputes, and the other negative pressures that would be brought to bear upon the decision making process.

Whether these ill-effects warrant the abolition or modification of the Independent Counsel Act is a matter which the House will consider in due course. For the present, we should at least do nothing to exacerbate the problem. Most of all, we must be sure we do not carry it to its logical conclusion by approving an impeachment inquiry based solely on the Independent Counsel's allegations. If all a president's political adversaries must do to launch an impeachment proceeding is secure the appointment of an Independent Counsel and await his referral, we could do permanent injury to the presidency and our system of government itself.

V

If the House approves this resolution, it will not be the first time in the course of this unfortunate episode that it has abdicated its responsibility to ensure due process and conduct an independent review. It did so when it rushed to release Mr. Starr's narrative within hours of its receipt, before either the Judiciary Committee or the President's counsel had any opportunity to examine it. It also did so when the committee released 7,000 pages of secret grand jury testimony and other documents hand-picked by the Independent Counsel—putting at risk the rights of the accused, jeopardizing future prosecutions, and subverting the grand jury system itself by allowing it to be misused for political purposes.

These actions stand in stark contrast to the process used during the last impeachment inquiry undertaken by the House—the Watergate investigation of 1974. In that year, the Judiciary Committee spent weeks behind closed doors, poring over evidence gathered from a wide variety of sources—including the Ervin Committee and Judge Sirica's grand jury report, as well as the report of the Watergate Special Prosecutor. All before a single document was released. Witnesses were examined and cross-examined by the President's own counsel. Confidential material, including secret grand jury testimony, was never made public. In fact, nearly a generation later it remains under seal. The Rodino committee managed to transcend partisanship at a critical moment in our national life, and set a standard of fairness that earned it the lasting respect of the American people.

Today the Majority makes much of the claim that their resolution adopts the language that was used during the Watergate hearings. While it may be the same language, it is not the same process. Too much damage has been done in the weeks leading up to this vote for the Majority to claim with credibility that it is honoring the Watergate precedent. But it is not too late for us to learn from the mistakes of the last three weeks. If we adopt a fair, thoughtful, focused and bipartisan process, I am confident that the American people will honor our efforts and embrace our conclusions, whatever they may be.

STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS REGARDING H. RES. 581, AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES—OCTOBER 8, 1998

Mr. Speaker, I ask permission to revise and extend my remarks.

Let me first express my affection and respect for my chairman, the Gentleman from Illinois. If Mr. Hyde says he hopes to complete this inquiry by the end of the year, I know he will do all he can to make good on that promise.

But if we adopt this resolution, the chairman's good intentions will not be enough to prevent this inquiry from consuming not only the remainder of this year but most of next year as well.

Nine days ago, I joined with Mr. Berman, Mr. Graham and Mr. Hutchinson in a bipartisan letter asking Chairman Hyde and our ranking member, Mr. Conyers, to contact the Independent Counsel—before we begin in inquiry—to ask him whether he plans to send us any additional referrals.

They wrote to Judge Starr on October 2, and I wish to inform the House that last night we received his reply. He said, and I quote, ''I can confirm at this time that matters continue to be under active investigation and review by this Office. Consequently, I cannot foreclose the possibility of providing the House of Representative with additional [referrals].''

There you have it, Mr. Speaker. Despite the fact that both Mr. Hyde and Mr. Conyers had urged the Independent Counsel to complete his work before transmitting any referral to the House, what he has given us is essentially an interim report.

As the Starr investigation enters its fifth year, we face the prospect that we will begin our inquiry only to receive additional referrals in midstream. Under this open-ended resolution, each subsequent referral will become part of an ever-expanding ripple of allegations. With no end in sight.

That is not a process, Mr. Speaker. It's a blank check. And I believe it's more than the American people will stand for.

They do not want us traumatizing the country and paralyzing the government for another year when we don't even know whether there is ''probable cause'' to begin an inquiry. And they don't want us abdicating our constitutional responsibility to an unelected prosecutor and accepting his referral on faith.

If we do that—if all a president's adversaries have to do to start an impeachment proceeding is secure the appointment of an Independent Counsel and await his referral—then we will have turned the Independent Counsel Act into a political weapon with an automatic trigger—a weapon aimed at every future president.

What the people want is a process that is fair. A process that is focused. And a process that will put this sad episode behind us with all deliberate speed.

The Majority resolution does not meet those standards. Our alternative does. It provide for the Judiciary Committee to determine first whether any of the allegations would amount to impeachment offenses if proven. Only if the answer to that question is ''yes'' would we proceed to inquire into whether those allegations are true. The entire process would end by December 31st—the target date chosen by Chairman Hyde himself—unless the committee asks for additional time.

Mr. Speaker, that is a fair and responsible way to do our job. It is also the only way to ensure that when that job is done, the American people will embrace our conclusions, whatever the may be.

STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS IN SUPPORT OF THIS MOTION TO ALLOW COUNSEL TO THE PRESIDENT TWO HOURS IN WHICH TO QUESTION THE INDEPENDENT COUNSEL—THURSDAY, NOVEMBER 19, 1998

Mr. Chairman, I have a motion at the desk and ask for its consideration.

Mr. Chairman, the committee has given the Independent Counsel a full two hours to present his version of the case—a version with which most Americans are already fully familiar on the basis of the 60,000 pages of material he has already submitted.

At the same time, the committee has seen fit to give the President's counsel all of 30 minutes to question Mr. Starr. This is meant to be the President's sole opportunity to confront his accuser during these proceedings.

I believe this does a grave disservice, not only to the President but to the integrity of these proceedings. It is a complete and unwarranted departure from the precedents of this House.

During the Watergate hearings of 1974, President Nixon's counsel, Mr. James St. Clair, was given all the time he needed to respond to the evidence and cross-examine witnesses. This is as it should be, Mr. Chairman. We are talking about the impeachment of the President of the United States, not a tariff schedule.

I know that some members of the Watergate committee argued that the President's counsel, Mr. St. Clair, should be given limited time to speak. But those views were wisely overruled in the interest of fairness and decency. President Clinton is entitled to the same consideration and respect shown to President Nixon on the occasion. No more, and no less.

The record of the Watergate hearings makes clear that at no time was Mr. St. Clair restricted to a particular time limit for his presentation or his examination of witnesses. Let me cite just three passages from the record. On June 27, 1974, Chairman Rodino noted that Mr. St. Clair had requested one or two days to make his oral response to the initial presentation of the evidence, but that St. Clair ''expressed to me that he hoped he might be able to conclude his presentation, if it is at all possible, today. This is not restrictive.''

On July 18, 1974, Chairman Rodino recognized Mr. St. Clair for an additional response at the conclusion of the evidence, and noted—over the objections of some Democratic members—that ''he is going to take at least an hour and a half.''

Finally, the record of the Watergate hearings makes clear that Mr. St. Clair cross-examined each of various witnesses, including William Bittman, Charles Colson, and John Dean, for as much as 1½ to 2 hours. On no occasion was he interrupted by the chairman, nor did he ever run out of time.

Is there any legitimate basis for applying a different rule today? The majority may point out that the Watergate testimony was heard in closed session, while today we sit before the cameras and the public. Yet, that being true, it is more important, not less, that the President be given a full and fair opportunity to respond to the charges that are being leveled against him.

They may argue—as they did in a recent letter to the White House—that the President and his counsel are here ''only as a matter of courtesy and not of right.'' In other words, ''be glad we are letting you testify at all.'' With all due respect, Mr. Chairman, if the goal is justice, this cannot be a satisfactory response.

A 30-minute presentation is especially inadequate when one considers that Mr. Starr has been preparing for weeks a presentation that the White House saw for the first time last night. According to news accounts, the witness has spent the better part of the past several weeks conducting videotaped practice sessions. The President's counsel has had all of 16 hours to prepare his response.

I wish I could say that this sort of unfairness were an exception to an otherwise fair proceeding. But in fact it continues a pattern that has characterized this entire investigation. The Committee has abandoned precedent at almost every turn—rushing to release Mr. Starr's report within hours of its receipt, before either the Judiciary Committee or the President's counsel had any opportunity to examine it. Posting on the Internet thousands of pages of secret grand jury testimony without regard to the rights of the accused, the course of future prosecutions, and the integrity of the grand jury system itself. And abdicating its own responsibility to make an independent examination of the charges before voting to commence an impeachment inquiry.

Enough is enough, Mr. Chairman. Let's do one thing right. I urge support for the motion and yield back the balance of my time.

OPENING STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT, JUDICIARY COMMITTEE MARKUP OF THE PROPOSED ARTICLES OF IMPEACHMENT—DECEMBER 10, 1998

Mr. Chairman, I would like to ask you to suppose you're an ordinary citizen summoned to defend yourself in court.

You don't know what you're charged with, because there's been no indictment.

The prosecutor has spent four years investigating your financial dealings. But when you get to the courtroom, he only wants to talk about sexual indiscretions.

He sends the jury a 445-page report telling just his side of the story, and releases thousands of pages of secret grand jury testimony to the public.

He calls none of the witnesses quoted in his report, so you can't challenge their veracity.

In fact, he calls only one witness. Himself. Then it turns out he's never even met your chief accuser.

The judge allows new charges to be raised in the midst of the trial, then drops them again.

He warns that you will be convicted if you do not offer a defense. Then, when you do so, he tells you not to hide behind ''legal technicalities.''

The scene I've just described wasn't dreamed up by George Orwell of Franz Kafka. It's not a Cold War account of a Soviet show trial. In fact, it's similar to what's taken place here—in America—during the course of this impeachment investigation.

We are about to vote to impeach the President of the United States on charges that would never even have been brought against an ordinary citizen.

We have delegated our constitutional duty to substantiate those charges to an unelected prosecutor.

We have called no witnesses to testify to the charges—except the prosecutor himself. And he admitted he has no personal knowledge of the facts—and never even met Ms. Lewinsky.

None of his witnesses were subject to cross-examination to test their credibility—despite Mr. Schippers' statement that they should be.

Having put before the public a one-sided case for the prosecution, some members of this committee have suggested that the President has the burden of proving his innocence. When he has attempted to do so, those same members have accused him of ''splitting hairs.''

We have required the President's counsel to prepare his defense without knowing what formal charges would be brought. And we released articles of impeachment to the press before Mr. Ruff had even finished his presentation.

At our hearing the other day, one of my Republican colleagues alluded to those he considers ''real Americans.'' To me, the real

America is a land where every person—whether pauper or President—is accorded due process of law.

Due process has nothing to do with ''legal hairsplitting.'' It has everything to do with requiring those who wield the awesome power of the State to meet their burden of proof. That is what distinguishes this country from a totalitarian one. That is the genius of a Constitution crafted by men who knew and understood the nature of tyranny.

As former U.S. Attorney Sullivan testified, those who complain most loudly about such ''technicalities'' are the first to resort to them when it is they who stand accused.

For weeks, members of the majority have cited the famous passage from *A Man for All Seasons*, in which Thomas More defends the rule of law against those who would ''cut down every law in England'' to ''get after the Devil.'' More says, and I quote, ''And when the last law was down, and the Devil turned round on you—where would you hide, the laws all being flat? This country's planted thick with laws from coast to coast—Man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? . . . Yes, I'd give the Devil benefit of law, for my own safety's sake.''

We would all do well to ponder those words, Mr. Chairman. For though we have invoked the rule of law, we have failed to embrace it. How can the American people accept our verdict, unless they are satisfied that we have conducted ourselves in as orderly, deliberate and responsible a fashion as did the Watergate committee in 1974?

Chairman Rodino did not proceed with the Nixon impeachment until it was clear that it had substantial bipartisan support. Chairman Hyde began these proceedings by observing that without such consensus, impeachment ought not go forward.

Yet this has been the most partisan impeachment inquiry since the infamous trial of Andrew Johnson five generations ago. It is like a runaway train.

Within the committee, some of us have attempted to apply the brakes, developing a respectful—though ultimately unsuccessful—dialogue with our colleagues across the aisle. Elsewhere, growing numbers of thoughtful Republican leaders—from Governor Racicot of Montana to Governor Rowland of Connecticut—have expressed dismay. Yet the train continues to gather speed.

From my own perspective, this isn't even about President Clinton anymore. That he deserves our condemnation is beyond all doubt. But as President Ford has written, the fate of one particular President is less important than preserving public confidence in our civic institutions themselves.

Article II of the Constitution provides a mechanism for removing our Presidents. It's called an election, and it happens every four years.

Whatever the Founders meant by ''high Crimes and Misdemeanors,'' the one thing that seems certain is that impeachment should be reserved for situations in which the incumbent poses so grave a danger to the Republic that he must be replaced ahead of schedule.

Last year the House debated proposed term limits for Members of Congress. One of the most respected leaders of the House led the fight against that legislation, choosing principle over party.

In his speech, he said, and I quote: ''The right to vote is the heart and soul, it is the essence of democracy. . . . [O]ur task today is to defend the consent of the governed, not to assault it. Do not give up on democracy. Trust the people''.

The author of those eloquent words is my friend, the Honorable Henry Hyde of Illinois. I remind you of those words today, Mr. Speaker, not to throw them back at you, but because it seems to me that ''the consent of the governed'' is again under assault, and we sorely need such eloquence again.

The President committed serious indiscretions. In the effort to conceal his misdeeds, he compounded them, abusing the trust of those closet to him and deliberately, cynically, lying to the American people.

Knowing this, the people went to the polls on November third and rendered their verdict. And it is illegitimate for a lame-duck Congress to defy the will of the electorate on a matter of such profound significance.

The voters did not condone the President's behavior. Far from it. But they knew the difference between misdeeds that merit reproach and abuses of office that require a constitutional coup d'état.

Some have said we are just a ''grand jury,'' whose only role is to endorse the prosecutor's conclusion that there is probable cause to indict. And don't worry, they say—the Senate won't convict.

This view is both dangerous and irresponsible. Impeachment is not some routine punishment for Presidents who fall short of our expectations. It's the political equivalent of the death penalty, with grave consequences for the nation that all of us—Republicans and Democrats—so dearly love.

We should not use the ultimate sanction when there is an alternative at hand: the joint resolution which my colleagues and I intend to offer, expressing our disapproval of the President's misbehavior and censuring him for it.

If the President really did commit perjury or other criminal acts, the law will deal with him in due course. Our job is to safeguard the Constitution. And the principal of popular sovereignty that is in the stirring words of Henry Hyde, its ''heart and soul.''

There is still time to trust the people, Mr. Chairman. Let us do so before it is too late.

STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT REGARDING ARTICLE III OF THE PROPOSED ARTICLES OF IMPEACHMENT—DECEMBER 11, 1998

Mr. Chairman, during our hearing last week, we heard testimony from Charles Wiggins, a Federal judge who served as a Republican member of this committee at the time of the Watergate inquiry.

Judge Wiggins testified that the Watergate committee heard directly from a multitude of witnesses, including Bob Haldeman, John Erlichman, John Dean, and other members of President Nixon's inner circle.

That testimony enabled the committee to make its own findings of fact with respect to the allegations against the President.

That is what distinguishes their investigation from our own. We have not heard from a single witness who can assist us in making findings of fact with respect to the allegations in the Starr report. Not one.

Let me offer just one concrete example of why this concerns me.

One count in the proposed Article of Impeachment alleges that the President ''corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed'' in the Paula Jones case.

Translation: the President asked his secretary, Betty Currie, to retrieve certain gifts which he had given to Monica Lewinsky, in an effort to conceal their relationship.

It is undisputed that Ms. Lewinsky returned the gifts to Ms. Currie. She did so on December 28, 1997. The key question is whether the President asked Ms. Currie to retrieve the gifts, or whether Ms. Lewinsky made her own arrangements to return the gifts without Mr. Clinton's involvement.

On Wednesday, the Independent Counsel released a statement to the press, taking issue with Mr. Ruff's presentation to this committee, and claiming that the President's involvement is substantiated by the billing records from Ms. Currie's cellular telephone account.

The records—which Mr. Schippers used in his closing statement to the committee—indicate that a one-minute call was placed from Ms. Currie's cell phone to Ms. Lewinsky's telephone number on December 28, 1997 at 3:32 p.m.

In his press release, the Independent Counsel claims that Ms. Currie placed this call for the purpose of arranging to pick up the gifts from Ms. Lewinsky.

In his closing statement to the committee, Mr. Schippers made much of this document. He said that it—and I quote—''corroborates Monica Lewinsky and proves conclusively that Ms. Currie called Monica from her cell phone several hours after she had left the White House.''

''Why did Betty Currie pick up the gifts from Ms. Lewinsky?'' Mr. Schippers asked. And he answered, ''The facts strongly suggest the President directed her to do so.''

That is his support for the charge that President sought to conceal evidence.

But there's a problem with this evidence. It is directly, explicitly contradicted by the FBI report of the interview with Monica Lewinsky of July 27 of this year.

That report, which appears in the first appendix to the Starr referral on page 1396, says, and I quote, ''Lewinsky met Currie on 28th Street outside Lewinsky's apartment at about 2:00 p.m. and gave Currie the box of gifts.''

This raises the following question. If the gift exchange had already taken place at 2:00, how could the telephone call placed at 3:32 have been for the purpose of arranging it?

This is an inconsistency—one of many troubling inconsistencies—in the documents themselves. Yet this potentially exculpatory fact—taken from materials in the possession of the Independent Counsel—was never acknowledged by Mr. Starr. Nor was it acknowledged by the Mr. Schippers.

Both of them affirmatively led the committee to believe that the call was for the purpose of arranging for Ms. Currie to pick up the gifts.

And now we are preparing to vote on an article of impeachment that is substantially based on that telephone call.

What was the purpose of the call? We don't know. It appears that the investigators never asked. And we have never had the opportunity to ask. Because we have not heard from the witnesses themselves.

This is no way to conduct an inquiry, Mr. Chairman. It is a disgrace. And it is an insult to the rule of law.

STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT IN SUPPORT OF A JOINT RESOLUTION EXPRESSING THE SENSE OF CONGRESS REGARDING THE CENSURE OF WILLIAM JEFFERSON CLINTON—DECEMBER 12, 1998

Mr. Chairman, over the past 24 hours this committee has voted along strict party lines to approve four articles of impeachment against the President of the United States.

In my view, this was reckless and irresponsible.

Impeachment is not a punishment to be imposed on Presidents who fall short of our expectations.

It's last resort—an ultimate sanction—to be used only when a President's actions pose a threat to the Republic so great as to compel his removal before his term has ended.

Impeachment should be considered only when there is no alternative. In this case, we had an alternative. The House still does.

I want to thank you, Mr. Speaker, for allowing this resolution to come to a vote. I

have no doubt that you were under great pressure not to do so, and I applaud you for recognizing that it was the fair and proper thing to do.

I can only hope that Speaker-Elect Livingston will emulate your political courage and allow us a vote on the floor as well.

Because this resolution expresses the overwhelming sentiments of the American people—

—That the President committed serious indiscretions with a subordinate.

—That in the effort to conceal his misdeeds, he compounded them—abusing the trust of those closest to him and deliberately, cynically, lying to the American people.

—That these actions warrant condemnation—but not impeachment.

The resolution doesn't mince words. It denounces the President's behavior sternly and unambiguously. In plain, simple English.

It acknowledges that the President is not above the law—like every citizen, he remains subject to whatever penalties a court might impose on him at some future date.

This language may be too harsh for some; too lenient for others. But its purpose should be clear to all.

Censure has been endorsed by no less a luminary than President Ford, who called it ''dignified, honest and, above all, cleansing.'' he added—and I quote—''at 85, I have no personal or political agenda, nor do I have any interest in 'rescuing' Bill Clinton. But I do care, passionately, about rescuing the country I love from further turmoil and uncertainty.''

Those are sentiments with which most Americans—including many prominent Republicans—agree. Yesterday, Governor Pataki of New York became just the latest to announce his support for censure.

Yet some insist that a censure of the President would be unconstitutional. Why? Because the Constitution does not mention censure. It's ''impeachment or nothing,'' we are told.

That's absurd. We have ample discretion to do either, as two-thirds of the constitutional experts called to testify by both Democrats and Republicans agreed.

The Constitution—in the words of Justice Jackson—is not a suicide pact. It does not compel us to detonate a nuclear explosion when light artillery will do.

Others oppose censure because they believe it's just a ''slap on the wrist.'' That was not how Andrew Jackson saw it when the Senate censured him in 1834. He was humiliated. Eventually, the Senate repealed its rebuke, and Jackson's proudest possession was the pen used to strike the words of censure from the Senate Journal.

Finally, some have claimed that censure would ''short-circuit'' the impeachment process. They insist on going forward, but assure us that once we've launched our nuclear missile, we can rely on the Senator to destroy it before it hits its target.

Saying, in effect, ''I would prefer that the President not be removed, but I am willing to put the country through the upheaval of a Senate trial nonetheless.''

I submit that this is an abdication of a solemn duty—which cannot be delegated—to the Senator or anyone else.

If we truly believe that the President should not be removed from office, we have a better option. Censure him. And preserve the Constitution.

STATEMENT OF THE HONORABLE WILLIAM D. DELAHUNT OF MASSACHUSETTS IN THE MATTER OF THE IMPEACHMENT OF PRESIDENT WILLIAM JEFFERSON CLINTON—DECEMBER 17, 1998

Mr. Speaker, I neither condone nor excuse the President's admitted misdeeds. They are deserving of censure and rebuke.

But they are not a constitutionally sufficient basis for impeachment. Those who are driving this runaway train have failed to establish that the President poses a danger to the Republic that requires his removal before his term has expired.

What does endanger the Republic is a wholly partisan impeachment based on a slapdash investigation that has violated every rule of due process.

Public confidence in the rule of law is ultimately more important than the fate of one particular President. And the official lawlessness that has characterized this investigation has done far more to shake that confidence than anything of which the President stands accused.

The Constitution imposes upon this House a solemn obligation—which it may not delegate to the Independent Counsel or any other individual—to conduct a thorough and independent examination of the allegations and make its own findings of fact.

Yet we have not done this. The committee did not call a single witness who could testify to the facts. Instead, we have abdicated that responsibility to an unelected prosecutor and rubber-stamped his conclusions. Conclusions based on grand jury testimony and other information—much of it ambiguous and contradictory—whose credibility has never been tested through cross-examination.

This fraudulent investigation is insufficient—as a matter of law—to form a factual basis for the charges set forth in the articles of impeachment. If we impeach nonetheless—as some are determined to do—we will lower the bar for all future impeachments.

We will sanction an encroachment upon the Executive Branch that could upset the delicate equilibrium among the three branches of government that is our chief protection against tyranny.

Presidents are not above the law. But even Presidents are entitled to due process. This investigation has violated due process at every turn. Publishing the Starr referral—including thousands of pages of secret grand jury testimony—before either the committee or the President's counsel had any opportunity to examine it. Launching a formal impeachment inquiry without even a cursory review of the allegations. Requiring the President's counsel to prepare his defense without knowing what charges would be brought. And releasing these articles of impeachment—drafted in secrecy by the Majority alone—before the President's counsel had even finished his presentation to the committee.

Having put before the public a one-sided case for the prosecution, some members of the Majority actually suggested that the President had the burden of proving his innocence. When he attempted to do so, those same members accused him of ''splitting hairs.''

It isn't ''splitting hairs'' to insist that those who wield the awesome power of the State meet their burden of proof. That is what distinguishes a free country from a totalitarian one. And somehow it is those who complain most loudly about such ''technicalities'' who are the first to resort to them when it is they who stand accused.

What a contrast between these proceedings and those of 24 years ago! During the Watergate crisis, the Rodino committee managed to transcend partisanship at a critical moment in our national life, and set a standard of fairness that earned it the lasting respect of the American people.

I had hoped that our proceedings would be equally fair, thorough and bipartisan, and that—whatever our verdict might be—our efforts would be found as worthy of praise.

I do not believe that will be the case, Mr. Speaker. I believe history will judge us harshly for what we are about to do.

There is still time—even at this late hour—to pull back from the brink. We can still spare the nation the turmoil and uncertainty of a Senate trial through a vote that censures the President of his misconduct. That is the alternative favored by a clear majority of the American people.

We can register our support for censure by voting ''yes'' on the motion to recommit which will be offered by Mr. Boucher at the conclusion of this debate—to return this matter to the Judiciary Committee and demand that they bring a censure resolution to the floor.

As we stand on the edge of an impeachment vote for only the second time in our history, we can only hope that the democracy that has survived so many storms will weather this crisis as well. And that our reckless actions will not do lasting damage to the country that we all so dearly love.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN).

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

Mr. RYUN. Mr. Speaker, I rise in support of the four articles of impeachment.

Mr. Speaker, regretfully I rise today to speak in favor of the Impeachment of the President of the United States, William Jefferson Clinton.

Impeachment and removal of the President was the remedy given to Congress to address a chief executive who attacked the Constitution and resulting rule of law that governs our society. The Articles of Impeachment against President Clinton deserve serious consideration because they arose out of the efforts of the President to delay, deny, impede and obstruct (and later to cover-up that obstruction) the fair administration of justice in a federal civil rights sexual harassment claim. The President did so for personal exoneration and pecuniary gain. These actions constitute a direct attack on the Judiciary, the third branch of government set forth in our Constitution.

Specifically, the President is charged with wilfully lying under oath on four specific occasions: on December 17, 1997, in response to written questions in a federal civil rights action; on January 17, 1998, in a deposition for a federal civil rights action; on August 17, 1998, in testimony before a federal criminal grand jury; and on November 27, 1998, in sworn responses to the House Judiciary Committee. The President is also charged with obstructing justice in a federal civil rights action during December 1997 and January 1998.

I prayerfully considered each article and the supporting evidence. I have come to the conclusion that under my duties set forth by the Constitution, with conscience as my guide, I must vote in favor of Impeachment because there is clearer and convincing evidence that the President committed these offenses and should stand trial on these charges in the Senate. The Senate should be given the opportunity to exercise its Constitutional responsibility and hear evidence from both sides to determine whether the President should be convicted and removed from office.

If we choose to ignore these charges, we would set a dangerous precedent that the President of the United States, the chief law enforcement officer, may wilfully ignore the rule of law that governs our society. The ruler cannot be above the rule of law.

This is a somber time for our country. None of us, as citizens of these great United States,

wants to see the Presidency under attack. Unfortunately, the attack against this Presidency came from within, and President Clinton must be held accountable for his actions.

Mr. Speaker, I ask each Member of this House of Representatives to put partisanship aside, to look at the law, to look at the evidence, and to vote in the way our Foundering Fathers intended when they crafted our Constitution.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding.

I would respond to the gentleman from Massachusetts that apparently he is under the impression that the President admitted to the truth in his grand jury testimony. He did not. He waived a statement. Each and every time which he did that, this was not telling of truth, it was simply one more count of false declaration before a grand jury or a court.

He lied about his relationships with Monica Lewinsky in the deposition in January. He lied again about it before the grand jury in August. There was nothing truthful about the President's statement to that effect. While simply the fact that he issued a statement may be sufficient for the gentleman from Massachusetts, it is still not the truth.

□ 1845

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

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

Mr. MANZULLO. Mr. Speaker, the Constitution makes the President the caretaker of the laws of our Nation. This means the President protects the people by nurturing and supervising our legal system, plus he must lead by example. The facts show the President has lied under oath, obstructed justice and abused the power of his office. How can he possibly serve as the caretaking of our laws if he cannot abide by them?

Our legal system demands equal justice under law. To treat the President differently than other Americans brings grave consequences for the sanctity of our judicial process.

And everyone likes to talk about polls for what they are worth. Let us talk about this one. According to the Scholastic News, a weekly magazine circulated in schools, 85 percent of fourth graders nationwide stated they believe a President who lies should lose his job. We have taught our children the importance of telling the truth and the value of their word. We cannot afford to change that message now.

Mr. MCCOLLUM. Mr. Speaker I yield 1 minute to the gentleman from New Jersey (Mr. FRANKS).

(Mr. FRANKS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, it is with a profound sense of sadness that I stand here this evening. We are called upon to decide what is right for the country and what is required to serve the interests of justice. In making this decision, I recognize that the purpose of impeachment is not to punish a political leader, but to preserve the integrity of our institutions of government.

In recent days I have written twice to the President asking him to come to terms with the fact that he broke the law and to take responsibility for his actions. On December 3, I urged the President to come before the American people, admit that he committed perjury and indicate that he was prepared to face the consequences. If he did, I told him, I believe this Congress could work out a remedy other than impeachment. On the eve of this debate I wrote to the President one more time and called upon him to tell the truth, the whole truth and nothing but the truth.

Tonight I want to issue one final plea to the President:

''It is not too late to demonstrate true personal courage and moral leadership. Save the Nation the trauma of an impeachment trial, and save your Presidency.''

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, as a Member of Congress this vote is one of the most solemn, serious and important decisions each of us will ever make and one I cast only under a profound sense of constitutional duty.

In 1776, Thomas Paine in his pamphlet Common Sense wrote, quote: ''For as in absolute governments the king is law, so in free countries the law ought to be king.''

Mr. Speaker, our Nation was created in part because our founders were forced to live under one set of laws while our rulers lived under another. The equal application of the rule of law has become the principle upon which our entire legal system is based. I believe the facts clearly indicate that President Clinton has committed the very serious felonies of perjury and obstruction of justice and in so doing has violated the trust of the American people.

Mr. Speaker, it is absolutely critical that all Americans, including and especially the President of the United States, obey the law. Bill Clinton is our President, not our king. He is not above the law. To allow our chief law enforcement officer to commit these felonies without facing serious consequences is to send a dangerous message to all Americans that there are again two standards of justice in America, one for the President and one for the rest of us.

Mr. Speaker, we have a constitutional obligation to apply the law to the President just as we would apply it to any other American. I believe we have no other choice but to vote aye on these articles of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, if it is so clear that the President committed perjury, I wonder why the members of the Committee on the Judiciary did not tell us which words were perjurious.

I am a former prosecutor. If anyone is charged in America with perjury they have to specifically say what was perjury. We did not do it in this case.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I submit my statement and supporting documents in opposition to the articles of impeachment.

Mr. Speaker, in October we voted on whether to receive the Starr report and to have the Judiciary Committee define the impeachment standard on which to review these allegations and to guide us here in this debate. But the Majority Party, the Republicans, said ''No, we will not define the standard.''

So what is the standard? Did President Clinton commit ''high Crimes and Misdemeanors'' warranting impeachment under the Constitution?

The Judiciary Committee would not tell us, so 430 legal scholars spoke up and wrote to the Speaker, and here is what they had to say, in part:

We write neither as Democrats nor as Republicans. Some of us believe that the President has acted disgracefully, some that the Independent Counsel has. This letter has nothing to do with any such judgment. Rather, it expresses the one judgment on which we all agree: that the allegations detailed in the Independent Counsel's referral and summarized in Counsel Shippers's statement do not justify presidential impeachment under the Constitution.

No existing judicial precedents bind Congress's determination of the meaning of ''high Crimes and Misdemeanors.'' But it is clear that Members of Congress would violate their constitutional responsibilities if they sought to impeach and remove the president for misconduct, even criminal misconduct, that fell short of the high constitutional standard required for impeachment.

....It goes without saying that lying under oath is a serious offense. But even if the House of Representatives had the constitutional authority to impeach for any instance of perjury or obstruction of justice, a responsible House would not exercise this awesome power on the facts alleged in this case. The House's power to impeach, like a prosecutor's power to indict, is discretionary. This power must be exercised not for partisan advantage but only when circumstances genuinely justify the enormous price the national will pay in governance and stature, if its President is put through a long, public, voyeuristic trial. The American people understand this price. They demonstrate the political wisdom that has held the Constitution in place for two centuries when, even after the publication of Mr. Starr's report, with all its extraordinary revelations, they oppose impeachment for the offenses alleged therein.

A majority of the American people are being denied through their elected representative an opportunity to cast a vote on a bipartisan compromise—a vote of conscience to censure the President.

I wish to share with the nation the letter I am sending to my constituents on this historic vote:

DEAR CONSTITUENT: Thank you for sharing your views, hopes, fears, and thoughts on the Articles of Impeachment pending against President Bill Clinton.

My votes on impeachment were the most solemn and saddest votes I have ever had to cast. The constitutional importance, the solemn occasion, the division within the House of Representatives and indeed the nation itself cause me to pause and reflect on my personal, constitutional, national, political and family life. These were not easy votes. I read transcripts, watched the video deposition, reviewed testimony, and studied legal and historical briefs. I read numerous constitutional arguments and perspectives, the report of the Office of Independent Counsel, and documentation submitted by the President's attorneys, and I attended briefings by constitutional and legal experts. Most of all, I listened to you, read your letters and e-mails, and your messages left with my staff and on our answering machines.

For only the second time in our nation's history of the House of Representatives voted on Articles of Impeachment. While impeachment is an integral part of our constitutional structure, the Founding Fathers made it clear it is a final recourse in dealing with a tyrant or a scoundrel whose actions clearly threaten our system of government. When an impeachment vote occurs, Congress usurps the power of the electorate. The removal of the President is reserved for the American people through elections, and Congress should only ''substitute'' or ''invalidate'' your vote and reverse the last presidential election through impeachment *only when it is necessary* to save the country from a President whose actions are of ''such a grave nature that they imperiled the structure of our government.''

Becasue the U.S. House of Representatives failed to define the constitutional standard for impeachment, it then became possible for each members to devise his or her own impeachment standard that fits a personal perception of facts surrounding the President. Unfortunately, what individual members have perceived as impeachable facts run contrary to the facts perceived by two-thirds of the American people who have repeatedly stated they did not want this President impeached. The American people understand that a President's criminal or civil behavior should be addressed through normal judicial proceedings, that ordinary political wrongs can be addressed at the ballot box; and that impeachment should only be used for serious public misconduct which threatens our form of government.

I believe the reason for the partisan split on each article of impeachment came about because the impeachment standard was never defined and the Republican leadership stated it was up to each member ''to vote their conscience.'' Many individual members, both Democrat and Republican, have confided to me that a true vote of conscience was to censure the President. Still, the Republican leadership refused to allow us to vote on censure.

Prior to drafting Articles of Impeachment against President Richard Nixon, both Republicans and Democrats set forth an impeachment standard. The standard used in the Nixon impeachment was a constitutional standard, not a personal standard. To date, more than 430 legal scholars have written to the House Leadership and the Judiciary Committee stating that the President's actions must be ''gross[ly] derelict exercise of official power,'' a standard that is not met on the facts alleged in the Articles of Impeachment against President Clinton. ''If the President committed perjury regarding his sexual conduct, this perjury involved no exercise of presidential power as such.'' The scholarly letter went on to state that ''making false statements about sexual improprieties is not a sufficient basis to justify the trial and removal from office of the President of the United States.''

I agree that the President's behavior was inappropriate and immoral and that he must be held accountable, but, as Bob Dole wrote in the New York Times, a bipartisan resolution of censure would be a proper Congressional response to the president's actions and it would allow Congress to rapidly resolve this issue and move forward to deal with the nation's other important business.

Documentation submitted by the President's legal counsel echoes what the President has said publicly, ''there are no fancy ways to say that I [the President] have sinned.'' The document continues: ''The president has insisted that no legalities be allowed to obscure the simple truth that his behavior in this matter was wrong; that he misled his wife, his friends, and our nation about the nature of his relationship with Ms. Lewinsky. He did not want anyone to know about his personal wrongdoing. But he does want everyone—the Committee, the Congress and the country—to know that he is profoundly sorry for the wrongs he has committed and for the pain he has caused his family, friends, and our nation.''

As a member of the US House of Representatives, I am duty bound to differentiate between that which is sinful, immoral conduct and that which is impeachable under our Constitution.

Based on all the information available to me, listening to your views, thoughts and opinions, I have determined that the President's actions did not reach the necessary constitutional standard for impeachment unique to the office of the President, and that his actions were not of such a grave nature that his personal actions imperiled our form of government.

In closing let me share with you a comment that a constituent, a Dominican nun, shared with me about this whole impeachment. Sister Margaret reminded me of the Biblical story of how the men who would stone a prostitute were the very men that paid her for her services, and how they were challenged by Jesus, who said, ''Let he who is without sin cast the first stone.'' Of course, none of them could throw the stone. As Sister Margaret stated to me, ''I have a stone in my hand, but I am waiting to become perfect . . . then I'll throw it!''

This does not excuse or exonerate the President for his actions. He remains liable for civil and criminal charges for his actions, and, should he be found guilty, he would justly face legal punishment. None of his actions, however, permit us to take the historically unwarranted step of invoking sections of our Constitution that will forever distort the intentions of the Founding Fathers, undo the last election, and forever change the relationship between Congress and the presidency. My votes were not cast to protect the President in any way. They were cast to protect the office of the presidency and the Constitution.

Thank you for sharing your time, views, opinions, thoughts and prayers!

Hon. NEWT GINGRICH,
Speaker, United States House of Representatives.

DEAR MR. SPEAKER: Did President Clinton commit ''high Crimes and Misdemeanors'' warranting impeaching under the Constitution? We, the undersigned professors of law, believe that the misconduct alleged in the report of the Independent Counsel, and in the statement of Investigative Counsel David Schippers, does not cross that threshold.

We write neither as Democrats nor as Republicans. Some of us believe that the President has acted disgracefully, some that the Independent Counsel has. This letter has nothing to do with any such judgments. Rather, it expresses the one judgment on which we all agree: that the allegations detailed in the Independent Counsel's referral and summarized in Counsel Schippers's statement do not justify presidential impeachment under the Constitution.

No existing judicial precedents bind Congress's determination of the meaning of ''high Crimes and Misdemeanors.'' But it is clear that Members of Congress would violate their constitutional responsibilities if they sought to impeach and remove the President for misconduct, even criminal misconduct, that fell short of the high constitutional standard required for impeachment.

The President's independence from Congress is fundamental to the American structure of government. It is essential to the separation of powers. It is essential to the President's ability to discharge such constitutional duties as vetoing legislation that he considers contrary to the nation's interests. And it is essential to governance whenever the White House belongs to a party different from that which controls the Capitol. The lower the threshold for impeachment, the weaker the President. If the President could be removed for any conduct of which Congress disapproved, this fundamental element of our democracy—the President's independence from Congress—would be destroyed. It is not enough, therefore, that Congress strongly disapprove of the President's conduct. Under the Constitution, the President cannot be impeached unless he has committed ''Treason, Bribery, or other high Crimes and Misdemeanors.''

Some of the charges raised against the President fall so far short of this high standard that they strain good sense: for example, the charge that the President repeatedly declined to testify voluntarily or pressed a debatable privilege claim that was later judicially rejected. Such litigation ''offenses'' are not remotely impeachable. With respect, however, to other allegations, careful consideration must be given to the kind of misconduct that renders a President constitutionally unfit to remain in office.

Neither history nor legal definitions provide a precise list of high crimes and misdemeanors. Reasonable people have differed in interpreting these words. We believe that the proper interpretation of the Impeachment Clause must begin by recognizing treason and bribery as core or paradigmatic instances, from which the meaning of ''other high Crimes and Misdemeanors'' is to be extrapolated. The constitutional standard for impeachment would be very different if different offenses had been specified. The clause does not read, ''Treason, Felony, or other Crime'' (as does Article IV, Section 2 of the Constitution), so that any violation of a criminal statue would be impeachable. Nor does it read, ''Arson, Larceny, or other high Crimes and Misdemeanors,'' implying that any serious crime, of whatever nature, would be impeachable. Nor does it read, ''Adultery, Fornication, or other high Crimes and Misdemeanors,'' implying that any conduct deemed to reveal serious moral lapses might be an impeachable offense.

When a President commits treason, he exercises his executive powers, or uses information obtained by virtue of his executive powers, deliberately to aid an enemy. When a President is bribed, he exercises or offers to exercise his executive powers in exchange

for corrupt gain. Both acts involve the criminal exercise of presidential powers, converting those awful powers into an instrument either of enemy interests or of purely personal gain. We believe that the critical, distinctive feature of treason and bribery is grossly derelict exercise of official power (or, in the case of bribery to obtain or retain office, gross criminality in the pursuit of official power). Non-indictable conduct might rise to this level. For example, a President might be properly impeached if, as a result of drunkenness, he recklessly and repeatedly misused executive authority.

Much of the misconduct of which the President is accused does not involve the exercise of executive powers at all. If the President committed perjury regarding his sexual conduct, this perjury involved no exercise of presidential power as such. If he concealed evidence, this misdeed too involved no exercise of executive authority. By contrast, if he sought wrongfully to place someone in a job at the Pentagon, or lied to subordinates hoping they would repeat his false statements, these acts could have involved a wrongful use of presidential influence, but we cannot believe that the President's alleged conduct of this nature amounts to the grossly derelict exercise of executive power sufficient for impeachment.

Perjury and obstructing justice can without doubt be impeachable offenses. A President who corruptly used the Federal Bureau of Investigation to obstruct an investigation would have criminally exercised his presidential powers. Moreover, covering up a crime furthers or aids the underlying crime. Thus a President who committed perjury to cover up his subordinates' criminal exercise of executive authority would also have committed an impeachable offense. But making false statements about sexual improprieties is not a sufficient constitutional basis to justify the trial and removal from office of the President of the United States.

It goes without saying that lying under oath is a very serious offense. But even if the House of Representatives had the constitutional authority to impeach for any instance of perjury or obstruction of justice, a responsible House would not exercise this awesome power on the facts alleged in this case. The House's power to impeach, like a prosecutor's power to indict, is discretionary. This power must be exercised not for partisan advantage, but only when circumstances genuinely justify the enormous price the nation will pay in governance and stature if its President is put through a long, public, voyeuristic trial. The American people understand this price. They demonstrate the political wisdom that has held the Constitution in place for two centuries when, even after the publication of Mr. Starr's report, with all its extraordinary revelations, they oppose impeachment for the offenses alleged therein.

We do not say that a ''private'' crime could never be so heinous as to warrant impeachment. Congress might responsibly take the position that an individual who by the law of the land cannot be permitted to remain at large, need not be permitted to remain President. But if certain crimes such as murder warrant removal of a President from office because of their unspeakable heinousness, the offenses alleged in the Independent Counsel's report or the Investigative Counsel's statement are not among them. Short of heinous criminality, impeachment demands convincing evidence of grossly derelict exercise of official authority. In our judgment, Mr. Starr's report contains no such evidence.

Sincerely,

RICHARD L. ABEL
(And 442 others)

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

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

Mr. POMEROY. Mr. Speaker, impeachment in the Constitution was meant to be applied when the elected President misuses the office in a way that threatens our structure of government. The conduct of President Clinton at issue here was reprehensible but does not constitute a high crime or misdemeanor as required for removal by impeachment. No President is above the law, but that does not mean every alleged crime is an impeachable crime. The crimes alleged here may warrant prosecution when the President's term expires, but they do not rise to the standard required by the Constitution for impeachment.

Mr. Speaker, I am bitterly disappointed the majority blocked this House from considering the option of censuring the President instead of the false choice between removal by impeachment or no action whatsoever. Basic fairness as well as basic respect for the deep divisions and the thinking of Americans would have allowed all options to be before us.

History will not be kind to this Congress for its handling of this matter. I hope our country will never ever again have a congressional majority as heedless of the spirit of justice and the Constitution as this one.

Impeachment as established in the Constitution was meant to be applied when the elected President was misusing the powers of the Executive Branch in a way that was threatening to our very structure of government.

The conduct of President Clinton at issue here is reprehensible. It does not, however, constitute a high crime or misdemeanor as required for removal by impeachment.

No president is above the law but that does not mean every crime is an impeachable crime. The crimes alleged against President Clinton may well warrant prosecution when his term expires, but they do not rise to the standard required by the Constitution for impeachment.

These proceedings represent an extremely important moment in the Constitutional history of this country. I'm bitterly disappointed the majority leadership blocked this House from considering a full range of options, including the option of censuring the President instead of the false choice between removal by impeachment or no action whatsoever.

Basic fairness as well as basic respect for the deep divisions in the thinking of Americans on this matter would allow all options to be before us.

The blind drive of majority leadership to win this impeachment vote regardless of any and all other considerations is revealed by their refusal to delay this debate, even a few days, to allow the attack against Iraq to run its course. The brave men and women executing the attack on our behalf deserve our full focused support behind their brave actions.

History will not be kind to this Congress for its handling of this matter. I hope our country will never again have a congressional majority of either party as heedless of the spirit of justice and the Constitution as this one.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. LAMPSON).

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

Mr. LAMPSON. Mr. Speaker, this morning I began to write a letter to my daughters and future grandchildren to describe my feelings on this sad, yet historic day, and I wrote that I continue to be overwhelmed by the fact that this Congress and, as a result, the American people are being denied the right to vote on an action that would unify our country, censure.

To my majority colleagues, I implore them in the interests of fairness to stop the bitterness and rancor that currently controls Capitol Hill. As our country continues to polarize, I pray that Congress has not lost its ability to seek common ground, for if we have, it will affect our ability to solve problems for decades to come, and I would like to be able to tell my children so that they can tell their children that this body came to its senses and put aside partisanship in favor of statesmanship. Let us be remembered for allowing the will of the American people to be heard through a vote on censure. It is the only fair thing to do.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I do not question anyone's motives. Both parties agree to some degree that the President broke the law. We disagree on the punishment.

Now some say the Constitution does not allow censure. I say the Constitution does not prohibit censure. The founders left it up to the elected Congress, not to unelected judges. Therefore, we are to work our political will.

Let me say this tonight. I believe precedents and history requires that we work our political will. The standard is high crimes. Did he break the law? Probably so. But what were those laws? No charges on Filegate, Travelgate, Whitewater, Chinagate, Vincent Foster. What did he touch? Where did he touch it? When did he touch it? Did he cover it up?

Does this offense warrant the death penalty? Make no mistake, impeachment is tantamount to the political element of capital punishment.

Mr. Speaker, an impeachable offense should be one that threatens liberty, not chastity. I advise the Congress to censure the President, who would be prosecuted after he completed his terms, rather than demean the status of high crimes.

Take politics out of that really. The President broke the law, we are sure of that, but I do not believe it requires the death penalty.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. CHRISTIANSEN).

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

Mr. CHRISTIANSEN. Mr. Speaker, last week my wife and I toured the CIA headquarters, and chiseled in the granite as we walked in the door are these words:

''You shall know the truth, and the truth shall set you free.''

I believe that every woman is entitled to the truth in a sexual harassment lawsuit. The American people are entitled to the truth. We, the Congress, are entitled to the truth. Members of Congress told President Clinton, ''Do not lie in your grand jury testimony or you will be impeached.''

I support the articles of impeachment, not out of disrespect for President Clinton, but out of respect for our rule of law.

A constituent of mine from Omaha told me last week, ''I wish it wasn't about sexual harassment, but the facts are he lied under oath, he covered it up for as long as he could, and he used his office to try and obstruct the work of the independent counsel and the rule of law.'' She went on to say, ''We have men on death row that were sentenced based on the sworn testimony of witnesses, sworn testimony of the people who took an oath to tell the truth, the whole truth and nothing but the truth so help them God.'' Well, Mr. Speaker, this is the same oath that the President took raising his right hand, stating those sacred words in front of witnesses, a Federal judge and a grand jury. If the President does not honor those words, how can we assure that other witnesses will honor those words?

Some of my colleagues have said that we should not dumb down the impeachment process, but I say we should not dumb down the rule of law. The damage is done. The President cannot go back and he cannot change what has happened, and that is why we stand here today preparing to vote on the future of the most powerful man in the world, William Jefferson Clinton.

This is my last vote as a Member of Congress. I will not enjoy casting this vote. The President's behavior and his subsequent denials, false testimony and obstruction of justice have brought us to this point. Actions have consequences, and the consequences of the President's lies and obstructions these past many months must be for him to personally address his conduct before the United States Senate.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from South Dakota (Mr. THUNE).

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

Mr. THUNE. Mr. Speaker, over the past several weeks I have agonized like most Members of Congress over the weight and the burden of the constitutional duty that is facing the United States House of Representatives. This is one of the most difficult decisions I have ever had to make in my career, and it is not a decision I enjoy making. However, after much study, much thought and much prayer, I have come to the following conclusion: Either we are a Nation of laws or we are not, and if we are, then those laws have to apply equally to all people.

Our Declaration of Independence says it best. We hold these truths to be self-evident, that all men are created equal. In America there is no emperor, and there is no Praetorian guard. There is one standard of justice that applies equally to all, and to say or do otherwise will undermine the most sacred of all Americans ideals.

President Clinton has committed federal crimes, and there must be a reckoning or no American shall ever again be prosecuted for those same crimes.

There is one other important issue I would like to address, and that is the matter of trust. Lying to the American people is a betrayal of trust. All of us, including our public leaders, make mistakes. We are all subject to the same universal truth. We all fall short. To err is human, to forgive is divine. But to err repeatedly and willfully with impunity defies another universal truth, and that is the law of the harvest. In other words, one reaps what they sow, and the pattern of deception and dishonesty that acts as a body guard to this President strikes at the very core of his ability to lead. It is a matter of trust.

Those close to the President say he cannot admit to lying for legal, political and personal reasons. Fear of future prosecution and fear of political consequence gives explanation, albeit little excuse for his denials. However, it is the President's assertion that he cannot tell the truth for personal reasons that is most troubling.

□ 1900

The President says he cannot tell the truth because he does not believe he lied, and yet even the President's most ardent defenders acknowledge he lied under oath.

If the President genuinely believes he is telling the truth, we are left with one of two equally miserable realities: Either the President chooses contempt and complete disregard for the truth, or his conscience is so diminished as to leave him unable to discern the truth from his lies. Both conclusions are ruinous to a constitutional republic, whose leaders must command the trust of those who lead.

Our constitutional government will stand the test of time, my friends, but only if we deal decisively with those who recklessly assault its foundations. Allegiance to our Constitution leaves us with no alternative but to vote in favor of impeaching the President.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HALL).

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, in just a few hours I will join others in this chamber to cast one of the toughest and most momentous votes that a Member of the House of Representatives can be called upon to cast—a vote to impeach the President of the United States. This is an historic vote that is not easily cast—and I take no satisfaction in doing so.

I have always taken the position that I would not use any office of public trust to hurt anyone—and if I could not help them, I would pass it by. I know that this is a hurtful process, but in this vote I had to go back to the oath I took to uphold the law of the land. This I will do.

Having read the testimony, I will vote for articles of impeachment, for it is clear that the transcript shows that the President committed perjury. Perjury is a felony offense—regardless of the subject matter or the circumstances—and there is no asterisk in the law books that exempts a President.

I am sorry for the President and for our country. This is both a personal tragedy and a national tragedy. Blame has been cast in all directions—toward the President, the Office of the Independent Counsel, and the Congress. I have heard from thousands of Americans during the course of this debate via telephone, letters, faxes, and e-mail. In the final analysis, I had to evaluate the evidence for myself, listen to my constituents, and then call it as I see it.

We must now see this through to closure—for better or worse—and we must pull together as a nation after this is over. It will be difficult, but Americans have a great capacity to overcome difficult times. This issue has distracted us and divided us, and now we must come together and move ahead to address the many domestic and foreign issues that require our serious and undivided attention.

Mr. Speaker, it is a great honor to represent the Fourth District of Texas in this Chamber, and I have tried to do so to the best of my abilities. I am grateful to all those in my district who contacted me, and I hope they know that their views are important to me—whether they agree with my decision or not.

Ms. LOFGREN. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I am particularly disturbed to hear speaker after speaker come here and speak to the issue of obstruction of justice and suborning of perjury. Let us listen to the testimony of the key witness, Monica Lewinsky, where she said clearly and unequivocally, ''No one asked me to lie and no one promised me a job.''

Listen to the evidence. Let us not make this a sham and a shambles. I beg you to listen to the evidence.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, I entered the House of Representatives two years ago, and the first act I took was the oath of office to uphold the Constitution. The matter now before us constitutes the most significant test of that oath.

At all times I have done my best to evaluate if the allegations against the President threatened our constitutional process. I have said repeatedly in my remarks, publicly, that I believe the President's actions were reprehensible and morally repugnant.

However, after much thought and deliberation over the past few months, I have concluded that the constitutional threshold of treason, bribery and high crimes and misdemeanors that our framers enumerated has not been reached in the situation to justify the removing of and the impeachment of President Clinton. I purposely refrained from this judgment because of this. I was one of only 31 Democrats who voted to go on with the inquiry.

Let me be clear, the President should be held accountable for his reckless actions. However, impeachment is not the punishment. Let us move on to the business of our Nation.

Mr. Speaker, the President's actions were reprehensible, morally repugnant and have brought shame upon the highest office in our Nation. I feel everyone in this Chamber shares this same sentiment. However, what we now disagree upon involves the most significant test to our oath of office—whereupon we have all sworn to uphold our sacred Constitution.

Mr. Speaker, our Nation and our Constitution face its most solemn hour since the House of Representatives last triggered an impeachment against the President of the United States some 130 years ago. While the times have certainly changed, the magnitude of a vote to remove the highest officer in our Nation has not.

We have learned from our past that impeachment cannot be guided by passion nor partisanship but by the facts, our laws, and our deep faith in the Constitution. For impeachment centers not on our political differences but instead must be determined by the constitutional standard of whether the President committed ''treason, bribery, and other high crimes and misdemeanors.''

Mindful of this, I have spent the better part of this year seeking to further understand what the Framers had in mind when they conceived this clause. As a result, I am convinced more than ever, Mr. Speaker, that the Framers' impeachment clause empowers Congress with the ability to protect our citizens against an executive branch that grossly abuses its power by turning the arm of government against its citizens.

In 1974, the Judiciary Committee recognized this fundamental ''abuse of power'' when they issued impeachable offenses against Richard Nixon that involved his use of the Internal Revenue Service, the Central Intelligence Agency, and the Federal Bureau of Investigation against the citizenry. At the same time, Mr. Speaker, the impeachment of President Andrew Johnson itself proved to be an ''abuse of Congress' power'' as Mr. Johnson was attacked more for his political convictions than his decision to oust a Cabinet member. Unfortunately, we now stand ready to drag our tired country through a protracted trial in the Senate for something which does not reach the threshold of an impeachable offense.

The President's conduct in concealing a personal sexual relationship certainly do not threaten our constitutional process nor pose a direct threat to our citizenry. I believe, Mr. Speaker, that a vote to lower the bar on what is an impeachable offense would do more in fact to undermine our democracy than advance it.

Let me be clear that I believe the President should be held accountable for his reckless acts, however impeachment is not the appropriate punishment in this instance. Consequently, I am greatly dismayed that the full House will not be given the same opportunity presented to the Judiciary Committee to consider alternative forms of punishment such as a censure motion and monetary fine. At a minimum, the Congress needs to make it clear to the American people that telling the truth does matter, that the President's deeds will not go unpunished, and that he remains subject to prosecution in a court of law when he leaves office.

I know, Mr. Speaker, that I will ultimately have to answer to my constituents after my vote on this matter. However, I will do so with a clear conscience knowing that I did what I thought was right, just, and in the best interest of our country.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute and 20 seconds to the gentlewoman from New York (Ms. VELÁZQUEZ).

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

Ms. VELÁZQUEZ. Mr. Speaker, I rise today not only in opposition to these impeachment articles, but to express my outrage and sadness over a process driven not by fairness, but by a small minority obsessed with impeachment. Instead of putting politics aside and coming together in a bipartisan manner to do what is right for our Nation, today we begin the final steps in a process that, from the start, has never been about fairness. Rather, it has been to accomplish a predetermined result, to impeach the President of the United States.

No one is disputing that what the President did was wrong and he should be held accountable. That is why an overwhelming majority on both sides of the aisle want to vote on censure. But we will not be given the opportunity to vote on that today. To bar this body from that option is inexcusable and it is outrageous.

The majority has said that they are simply voting their conscience. But what about the conscience of the American people, who overwhelmingly said that the President should not be impeached, but be censured? I ask myself, how did this body get to the point where the conscience of so many Members is so different from the conscience of the American people?

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

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

Mr. RANGEL. Mr. Speaker, I am asking as many that can to reject the idea of voting for articles of impeachment, because 25 years ago I had the opportunity to serve in this body when the question of impeachment was seriously taken up, in 1974, and I can tell you that we may use the type of language that sounds as though we are working within the Constitution, but this procedure is not on the level.

You cannot have a political procedure where Republicans line up on one side, like they are shooting fish in a barrel, and Democrats line up on the other side. We should not be talking about a Democratic President that for six years people have been trying to hound out of office. Even before this deal goes down, where you already have the votes, there are people asking the President to resign from office.

What has this President done to cause so much hatred, so much animosity? And for those of you that say this is not about sex, I agree with you: This is about getting rid of the President of the United States. Whether it is the FBI files, whether it is Whitewater, whether it is discussing something that Hillary has done, or whether it is Lewinsky, the whole idea is a lynch mob mentality that says this man has to go.

You say, well, we have to vote our conscience here. Who determines the conscience? What arrogance can the Republicans have in this body to determine what the punishment should be for the President of the United States? Who has found the language in our Constitution to dictate that you can take this wonderful instrument that allowed this republic to survive for so long, and twist it and bend it and say that we cannot have censure as an option to what you are trying to do to the President, to this Congress, and to the country? And what do you leave for the future, for the next Congress? What do you leave in terms of Social Security, reforming the tax system, trying to make Medicare better, trying to get campaign finance reform?

These are things that we refer to as bipartisan, working together, cooperation. You brought hatred to this floor. You can see it in the eyes, you can see it in the language, and people will walk lockstep and vote as Republicans and not as Members of the United States Congress.

Do you not think that as you keep talking about ''no man is above the law,'' do you not understand that no Member here is above the will of the people of the United States of America? Do you not know they respect the fact when they go vote, whether they vote for Republican or vote for a Democrat, they vote for a President of the United States?

You have no right to get rid of him by saying ''the rule of law,'' and then abuse the very rule of that law.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. BUNNING).

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

Mr. BUNNING. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, I rise in support of the Articles of Impeachment against President Clinton that have been recommended to the full House of Representatives by the Judiciary Committee.

By now, the charges against the President are known to everyone; perjury in a civil matter—the Paula Jones case; perjury before a criminal grand jury; obstruction of justice; and, abuse of the power of the office of the presidency. These are grave and serious charges against the President, felonies in any court of law in our nation. As many have pointed out in recent months, impeachment, and declaring war, are the most important matters that we in the House can ever consider.

We are here today to debate impeachment, and under our Constitution the House has the sole power to impeach a President. And I do think that it's important to keep in mind exactly what impeachment is. Voting to impeach the President is quite different from voting to remove him from office. If the House does impeach the President, it only means that we believe there is enough credible evidence to prove one or more of the charges against the President, and that the matter should then be sent on to the Senate. Then it is up to the other body to conduct a trial and to determine whether or not the President should be removed from office.

After studying this matter, I believe the evidence against the President is strong on all of the four counts that have been lodged against him. There is certainly enough in the testimony and material gathered together by the Judiciary Committee to make a compelling case against him.

Importantly, all during the Committee's deliberations, the President's defenders never even bothered to contest the evidence. They did make many other arguments against impeachment; the Independent Counsel, Ken Starr had engaged in a partisan witch hunt; the charges brought against the President did not rise to the level of ''high crimes and misdemeanors'' required by the Constitution to impeach the President; and, the process followed by the Judiciary Committee was not fair.

But, the essential evidence presented by the Committee to the House in support of the Articles of Impeachment have not been refuted. The President's supporters had numerous opportunities to knock down the facts during the Committee's deliberations, or to provide exculpatory evidence of their own that would have cleared the President and disproved the charges made against him. But, in nearly thirty hours of argument against impeachment before the Judiciary Committee, the President's defenders and lawyers were not able to dispel any of the damning evidence against him or provide anything new that would point toward his innocence.

The facts and the evidence stand unchallenged, and as such they strongly argue for impeachment.

When talking about impeachment, one of the principle arguments the President's supporters have often made is about poll numbers and the will of the people. They claim that since the President is popular among the American public and enjoys high poll numbers, he should not be impeached and should be left in office to complete his term.

It is true that the President is popular among Americans, and his poll numbers are strong. The public seems content and optimistic about the future, and they give the President a great deal of credit for the positive mood of our nation and our vibrant economy.

But, we are a nation of laws, not polls.

As elected representatives in a democracy, we as members of Congress do serve in large part to fulfill the will of the people. We have all been elected and reelected because we listened to the voters. But, the matter before the House today is not simply a question of popular opinion; it is instead a question of constitutional duty.

Each member of Congress takes an oath and swears to uphold the Constitution when they take office. They do not swear to uphold the public opinion of the moment, or swear to follow the most current fad. We all swore to uphold the fundamental principles that over the past two centuries have helped make America the greatest nation on Earth.

When the Constitution grants the power to impeach the President to the House of Representatives, there is no additional clause in the text that reads ''only in times of high poll numbers'' or ''in times of low public esteem.'' The question before us today is one we must address without concern for politics or popularity. Of course we must listen to the people, but being a public servant does not mean that we use none of our own judgment or ignore the duties we swore to uphold. Impeachment and other grave matters are not to be decided like popularity contests or beauty pageants.

Mr. Speaker, I will close by saying that I believe no one here today takes any joy in this process or in the votes we are going to cast soon. The past eleven months have hurt our nation and we need to begin to heal. But we cannot ignore our constitutional duty, and we cannot turn away from hard decisions. With a heavy heart, I will vote to impeach President Clinton.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BUYER), a member of the Committee on the Judiciary.

Mr. BUYER. Mr. Speaker, these issues about whether Ms. Lewinsky, in her statement, the President never explicitly told her to lie, the President and Ms. Lewinsky did have a scheme to mislead and deceive the court through the use of cover stories and the proffer of a false affidavit.

Why? Because Judge Susan Weber Wright in the sexual harassment lawsuit said that they could get into the evidence of his past sexual behavior. You see, Ms. Lewinsky's statements that no one told her to lie are not dispositive as to whether the President is guilty of obstruction.

One need not directly command another to lie in order to be guilty of obstruction. One who proposes to another that the other lie in a judicial proceeding is guilty of obstructing justice. The statute prohibits elliptical suggestions as much as it does direct commands.

Indeed, the facts cannot be taken in a vacuum. They must be examined in their proper context over the distance of the evidence.

While Ms. Lewinsky and the President both testified ''I never asked her to lie'' and ''he never asked me to lie,'' the circumstantial evidence is overwhelming. The statement was not necessary, because they concocted the cover story and they both understood the willful intent to conceal their relationship in order to impede justice in the Jones versus Clinton case.

Mr. MCCOLLUM. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply want to express concern over the gentleman from New York's statement that there was hatred over here on our side of the aisle with regard to the President. That is just not really true, in all honesty and sincerity.

We have had Members who have agonized over the questions that are before us today. I have personally talked with Members who have made their decisions only in the last few days after they have gone over the record who really truly did not want to impeach this President and have no hatred at all. It is an objective concern that perjury and obstruction of justice and the crimes are so overwhelming this President committed that they made that decision.

Mr. Speaker, I yield two minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Speaker, this is an extraordinarily solemn occasion. We are here today to consider serious and consequential questions. On three occasions the President of the United States placed his left hand on a Bible, raised his right hand, and swore to an oath to tell the truth, the whole truth and nothing but the truth. In today's debate, even the defenders of the President accept the fact that the President violated that oath in lying in a deposition in a Federal civil rights case, before a grand jury, and his sworn testimony before the Congress.

On two other occasions, the President placed one hand on a Bible, raised the other, and swore to faithfully execute the office of the President of the United States, and to the best of his ability preserve, protect and defend the Constitution of the United States. The President's conduct, lying under oath, obstructing justice, tampering with the witnesses, abusing power, in my view represents a violation of that oath as well.

The fact is the President sought to undermine the civil rights of a United States citizen, denying that citizen due process of law and her rights to equal protection under the law. These are undisputed facts.

If there is no consequence for the violation of an oath, then why have an oath? In violating his oath before the courts and the Congress, the President is guilty of perjury, a felony, a high crime; and in violating his oath of office, I believe the President has sacrificed his right to hold office. If the President conspired to undermine the constitutional rights of a single citizen, that act erodes the constitutional rights of every citizen.

It is a tragic situation, but, like most tragic situations, responsibilities lie not at the feet of others. It does not lie at the feet of Paula Jones or Monica

Lewinsky or Kathleen Willey or Judge Starr or Majority Counsel Schippers or Majority Whip DELAY or Speaker GINGRICH or Speaker elect LIVINGSTON or Chairman HYDE. The responsibility lies at the feet of William Jefferson Clinton, and so must the accountability and so must the consequences.

For that reason, I will cast my vote ''yes'' on at least three of the articles of impeachment.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, several people on the minority side have risen today and quoted the scripture, ''Judge not, that you not be judged.''

Careful reading of this scripture makes it quite clear that the message is not that we should never judge or exercise judgment. Most scholars interpret this verse of scripture to mean that we should not condemn others for their faults and that we should forgive those who offend us.

It has never been proposed by any reasonable person that this verse of scripture asserts that we are to let criminals go free or that our laws should not be upheld.

Bill Clinton is not being judged by the Members here as much as he is being judged by the law itself. The preamble to the Constitution tells us that the Constitution was created for, among other reasons, to establish justice. To blithely forgive or ignore these offenses is to make a mockery of justice.

Our laws state that to lie under oath, to encourage others to provide false testimony or to conspire to conceal evidence is a felony punishable by imprisonment.

Indeed, the committee took testimony from two individuals who lied about sex before a grand jury. One received house arrest, the other actually went to jail. Every year in America, people go to jail for committing perjury.

The Democrats wrote the statute creating the office of the Independent Counsel and Janet Reno authorized the expansion of the investigation into the matters before us. The findings indicate felony offenses that could send the average American to jail.

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President Clinton, when he signed the reauthorization of the Independent Counsel Act in 1993 said that the act would ''guarantee the integrity of public officials and ensure that no one is above the law.'' To ensure that no one is above the law, the resolution must be approved and sent to the Senate for trial.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding. In response to my friend, the gentleman from Indiana (Mr. BUYER), let the Record be clear. When Monica Lewinsky was confronted by Ken Starr in her proffer, she clearly and unequivocally stated that neither the President nor anyone in her behalf ever asked her to lie, and that is the evidence.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, just for the Record, Judge Webber Wright ruled on 3 separate occasions that the Lewinsky matter was not relevant to the core legal issues in the Paula Jones case; 3 separate rulings, not material to the core underlying legal issues.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. NEAL).

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, while we grapple with this issue tonight, we are all a bit uncertain about what this is all about, but we know what it is not about. It is not Watergate, it is certainly not Iran-Contra, and astonishingly enough, after the expenditure of $56 million and an investigation that has gone on longer than the Civil War, it is not about Whitewater.

Contrast the way the Republican leadership has handled this issue with the way Tip O'Neill handled Iran-Contra, when he decided never to put the Nation through a trial when he knew Ronald Reagan would never be removed from office.

What we have seen in this Congress really is the occurrence of 2 things: One, the rise of the Intimidator Caucus on the Republican side where they have intimidated moderate Republicans into voting for this impeachment proceeding. Secondly, we ask ourselves tonight, whatever happened to moderate Republicans?

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, let me begin by associating myself with the statement made earlier today by the gentleman from Illinois (Mr. JACKSON).

Mr. Speaker, my decision to vote against the resolution to impeach President Clinton is grounded in the words of the Constitution itself. According to the Constitution, a President is to be impeached for treason, bribery, or other high crimes and misdemeanors. Nowhere in the Constitution does it say any or all crimes and misdemeanors.

In November, the gentleman from Virginia (Mr. SCOTT) specifically asked a panel of historians and constitutional scholars appearing before the committee, ''Does the phrase 'bribery, treason and other high crimes and misdemeanors' cover all felonies?'' These scholars unanimously answered with a resounding no.

It follows from their answers and from the very words of the Constitution, Mr. Speaker, that a President can be guilty of a felony and still not be impeachable. So the real question then is, what felonies fall under the phrase, ''high crimes and misdemeanors''? I do not know. And as of today, none of us in this body knows. But we do know one thing. When this question came before the House in 1973 during the impeachment proceedings against President Richard Nixon, the answer was that lying under oath is not one of them. The Committee on the Judiciary concluded by a better than 2-to-1 bipartisan vote the charges against President Nixon for lying on his income taxes to the tune of $500,000 were not impeachable.

It follows, then, that if we obey the dictates of the Constitution, if we accept the testimony of experts, and if we follow the precedent of this body, we must vote against impeachment. A vote for impeachment flies in the face of history, ignores constitutional standards, and significantly lowers the bar for future impeachment proceedings.

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee (Mr. TANNER).

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

Mr. TANNER. Mr. Speaker, many Members have spoken from the heart and out of their conscience on either side of this issue today, and I want to talk about the procedure, because I am deeply troubled by the procedure that we are following here today on the House floor.

This has been a very divisive issue in our country about what should be done. People of just as good will as any of us in this room, people who have the same purity of motive that we all claim for ourselves in this room, people who have the intellectual honesty that we all claim for ourselves, and who have exercised that, and people who are just as patriotic as any one of us, have reached a different conclusion in the country about what should be done.

Now, we are not being allowed a vote on censure tonight. Let me read in the Constitution what it says: ''Judgment in cases of impeachment shall not extend further than to removal from office,'' et cetera. It says nothing about censure; it says nothing about prohibiting it. And what troubles me is that there are millions of Americans of goodwill, purity of motive, intellectual honesty that have expressed their view that censure is an appropriate remedy, and those voices are not being allowed to be cast tonight by a vote of their member, and that is just plain unfair.

If the shoe were on the other foot, and we had a motion to only censure and not impeachment, you would be right to scream that that is unfair, and I would agree with you.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. HILLEARY).

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

Mr. HILLEARY. Mr. Speaker, I rise in support of these articles of impeachment.

Mr. Speaker, I come to the well today with no joy in my heart over what this House is about to do.

Throughout my time that I have been honored to serve the people of the Fourth Congressional District of Tennessee, this is, by far, the most important vote I've had to cast.

This vote goes to the very heart of the oath of office I swore to uphold when I took my seat in this body—an oath that said ''I, VAN HILLEARY, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic.''

I did not swear to defend the Constitution of the United States only when it was popular. I did not swear to defend the Constitution of the United States only when doing so was running ahead in the polls.

I swore to defend it whenever it was under attack—when it was popular and when it was not.

This has been a difficult decision for me. It is well known that I am no fan of President Clinton's ideological beliefs. I have serious differences with him on a broad number of issues. In fact, it was these differences that spurred me to run for this office in the first place—to try to change the direction where he was leading this country.

But those are political differences, differences that are settled in the democratic way which is the heritage of our great country. It is a heritage that has endured for more than 200 years because when our great Nation was founded, we agreed to a government based upon the rule of law and not the rule of men.

I, like all of my colleagues here today and all of those who have preceded us in serving our nation in government service, are but temporary caretakers of the people's trust. Because of the work of those who came before us, we remain a government of laws and not men today.

God willing, when I leave this office and turn it over to the next generation of leaders, this country will still be a nation of laws and not men.

I have had to set aside my differences with the President's policies. I have had to struggle with myself to ensure that I am basing my decision on the facts of the case.

What are the facts of the case?

The President was involved in a civil case in which the U.S. Supreme Court unanimously ruled that he was to be held to the same standard as everyone else in the country and must respond to the suit in a court of law while he was in office. The court ruled that the President is not above the law, but subject to it like everyone else in the country.

During that case, President Clinton's testimony was requested. The President had the right to enforce his 5th Amendment right not to testify if it would incriminate him. However, he chose to provide testimony. And when he testified, he swore ''to tell the truth, the whole truth and nothing but the truth.'' That oath did not say he was allowed to tell part or half of the truth. That oath did not say he was allowed to tell the truth only when convenient. That oath did not say he was allowed to tell only that part of the truth which would not be personally embarrassing.

The oath was ''to tell the truth, the whole truth and nothing but the truth.''

The Judiciary Committee report clearly lays out the facts of the case that President William Jefferson Clinton broke or ignored this oath when he gave his sworn deposition last January, when he gave sworn testimony before a federal grand jury in August, and when he gave sworn answers to the questions of the Judiciary Committee last month.

The case is clear that President Clinton broke the law.

Now we must ask ourselves, ''Can we ignore his crimes?''

I believe that we would be setting a very bad and extremely dangerous precedent if we ignore it. We would be saying that as long as a president is popular, he can commit major crimes, undermine our shared legal system and remain in office using the vast powers of the Presidency. In effect, we would be saying that the President is above the law. We would be a nation of laws with a leader who could break the laws.

Some of my colleagues on the other side of the aisle have argued that the President's offenses do not rise to the level of the high crimes and misdemeanors outlined by our Founding Fathers. They say that any crimes which are committed must be committed against the State before an impeachable offense takes place.

Mr. Speaker, I am here to say that lying under oath in a civil case is a crime against the State. Lying under oath to a federal grand jury is a crime against the State. Obstructing justice and tampering with witnesses are crimes against the State. Lying to Congress by submitting false answers to the Judiciary Committee's 81 questions is a crime against the State. These crimes undermine our entire system of justice, which will crumble into ruins if we allow people to lie after they have sworn to tell the truth, the whole truth and nothing but the truth.

Contrary to what many of my friends on the other side of the aisle claim, the framers did consider perjury an impeachable offense. The term impeachment comes directly from English law, and the framers of our Constitution used the exact same definition as found in Blackstone's English treatise when they used the phrase ''high crimes and misdemeanors.'' Yet, Blackstone was even more exact in his definition by listing 22 specific offenses that constituted ''high crimes.'' False testimony under oath to a civil or criminal prosecution was one such offense.

It would also be very dangerous if our laws would only apply according to the whims of popular support.

The Constitution and the rule of law for the foundation of our country. Simply because things are going well now is no reason to undermine this foundation. Because we need this foundation to be strong during times of crisis—when things are not going well.

We will have future crises that our nation must weather. We will have times that our economy turns downward, sometimes severely. We will have times of violent domestic unrest.

We need the foundation of our country to be strong if we are to weather those rough times. It is our Constitution and rule of law which separates us as a democracy and beacon of light in the world from a dictatorship.

The truth is the truth. It is not subject to a popularity poll. The truth must be upheld in our country. A President who cannot tell the truth and respect the rule of law cannot be allowed to continue in office. The President should have resigned his office long ago, but he has refused to do so. That is why I will vote for the articles of impeachment against President William Jefferson Clinton.

I urge all my colleagues to support these articles of impeachment.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I was not planning to address the body at this time, but a colleague just impugned the moderates who have decided not to vote their way, as if we are somehow being pressured. I would challenge anyone on this floor to name the moderates who have come to you and said, we have been pressured. I, for one, and my colleagues I have spoken to have said this is a vote of conscience and respect our vote of conscience as much as you are asking us to respect yours.

I think it is outrageous that my colleagues on the other side use a political maneuver to impugn our integrity just because they do not agree with the consideration that we have given.

Mr. MCCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. NORWOOD).

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

Mr. NORWOOD. Mr. Speaker, I am going to vote for articles of impeachment. Now, I do not like that. I am not happy about that. In fact, I am deeply saddened by that. I did not come here to impeach Bill Clinton or any other President, as I imagine most of my colleagues did not. So maybe we might take one other look at one other consideration in these last hours.

Mr. Speaker, if you would allow me to quote President Clinton: ''There is no question that an admission of making false statements to government officials and interfering with the FBI is an impeachable offense.'' President Clinton went on to say, ''If a President of the United States ever lied to the American people, he should resign.''

Mr. Clinton was more than willing to apply these standards to a Republican President in 1974, as was the Democratic majority on a substantial portion of the then Republican minority. Mr. Clinton was correct in 1974. Why was he correct?

Consider the questions and answers of recent months: The question, ''Did you have sexual relations with Monica Lewinsky?'' And the answer, and I quote: ''You are free to infer that my testimony is that I did not have sexual relations, as I understood this term to be defined.'' We now know the truth, but only because of a blue dress that says he lied.

Consider the question and the answer: ''Did you authorize the transfer of missile technology to the Red Chinese Army in exchange for campaign

contributions?'' The answer: ''No one can prove there was a quid pro quo.''

Consider this question and the answer: ''Did you order air strikes against Iraq to influence these impeachment hearings?'' And the answer, and I quote: ''I don't believe any serious person would believe that Secretary Cohen, General Shelton and the whole rest of the national security team would participate in such an action.''

Do we have answers here that we or the world can trust? We cannot tell when the President is telling the truth, and unfortunately, he cannot tell when he is lying. And that leads to a tremendous loss of trust. And when that person involved in that is the most powerful person in the world, it is dangerous.

Mr. Speaker, let us today bequeath to future generations that the laws of this land apply equally to all, rich and poor, regardless of party affiliation or ideology. Let this House today hold Mr. Clinton to his own standards, the ones that he said that if you lie to the American people, a President should resign.

Mr. President, please do what is right. Do not do this to America. Do not do this to your fellow countrymen. Do not do this to Congress, because as sure as the world, we are going to have a trial in the Senate. Resign today for a very good reason, because it is the right thing to do.

Mr. Speaker, today we debate that which the Framers of the Constitution failed to define—the nature of impeachable offenses.

Some argue against the precedent established during Watergate. They claim that impeachable offenses must include a direct violation of the Constitution itself. However, the Founders did not state that position. They instead left the definition up to future Congresses, based on the particulars of the case.

Only the most partisan supporters of the President still deny that Mr. Clinton lied under oath. The majority of the Members of this House, and the American public at large, believe that Mr. Clinton lied under oath to a grand jury in a Federal civil rights lawsuit, lied under oath to the Independent Counsel, lied under oath to the House Judiciary Committee, and lied on national television to the American people.

The only question left is: should that be an impeachable offense, and why? Let us address the issue.

If the President had initially, and without qualification, simply denied his improper relationship with a government employee; then later confessed his perjury when physical evidence revealed the deception, we might not be having this debate.

Many people can show mercy to someone who made a horrible mistake in judgment, and didn't want it plastered across the front page of every newspaper in the country, and then made a second horrible mistake by lying to cover up the first.

But what deeply troubles so many people around the country is the nature and degree of the President's deception.

He continues to deny not only the specifics of this case, but the very nature of truth itself.

He has said he misled us all, yet he says he wasn't lying. At other times, he has said he lied, but he didn't commit perjury.

He admits he had sexual relations, but insists he was telling the truth when he said he didn't.

There has been speculation among members of this body in recent days that if the President would just confess to perjury, that we should drop these impeachment proceedings, issue a formal censure, and let the matter drop.

While I disagree with this proposal, I fully empathize with the sentiments behind it. Members of this body, myself included, do not want to impeach Mr. Clinton or any President. We are grasping for plausible reasons to vote against impeachment—and we aren't finding any.

For what really troubles the majority of this House is that the President doesn't recognize the truth. For many members, if they were only assured that Mr. Clinton was capable of knowing when he was or wasn't lying, they would be willing to let him off the hook.

They beg him: admit to perjury, perjury that even a child can recognize. We'll forgive your indiscretion, and give you a second chance to earn the trust of the nation. They do that because we must have assurances as to whether we can reasonably expect the President to tell the truth after this is over.

For he remains incapable of recognizing that he lied under oath to begin with.

The President has established a principle in his mind that the truth is a technicality, dependent on wording.

He has held throughout his testimony that if he convinces himself that he is telling the truth, it doesn't matter if he lies. If he carefully couches his statement in semantic deceptions, and then buries the issue with the White House ''spin machine'', the truth has been served.

Consider the questions and answers of recent months: Did you have sexual relations with Monica Lewinsky? Answer: Not yes or no, but ''You are free to infer that my testimony is that I did not have sexual relations, as I understood this term to be defined.''

We now know the truth, but only because of a blue dress that says he lied. He still doesn't recognize that he lied under oath.

Why is it essential for a President to recognize the truth?

Consider this question and answer, also from recent months: Did you authorize the transfer of missile technology to the Red Chinese Army in exchange for campaign contributions? Answer: Once again, not yes or no, but ''No one can prove there was a quid pro quo of missile technology for cash.''

Why not a simple yes or no? Could it be for the same reasons as in this case before us today? How can we know? Is the President lying through semantic contortions again, with life-and-death consequences for millions of Americans, and perhaps even the continued survival of our Nation at stake?

The truth is, we don't know, and we can't know, because there is no blue dress.

Consider this question and answer, from just yesterday: Did you order air strikes against Iraq to influence these impeachment hearings? Answer: ''I don't believe any serious person would believe that Secretary Cohen, General Shelton, and the whole rest of the national security team would participate in such an action.''

We're not concerned with the motives of the national security team; we're concerned with the motives of the President, and once again, do we have an answer that we, or the world, can trust?

These are the reasons the Founders left it to us to define impeachable offenses. Is perjury in a civil lawsuit grounds for impeachment? It depends on the particulars of the case.

This case clearly exhibits that this President cannot be entrusted with the security or well-being of the United States, evidenced by his inherent inability to acknowledge the existence of truth, even under oath in a federal court.

Would we allow a person with this proven inability to serve as Chief of Staff to our Armed Forces? Absolutely not. Then how can we tolerate it in a Commander-in-Chief? If we cannot trust Mr. Clinton as Commander-in-Chief, he can no longer perform the duties necessary as President.

Mr. Speaker, fellow Members of the House, we need to forget parties and loyalties, and vote for the future and safety of the Republic. The Founders left us this discretion for the very reasons we face today.

In conclusion let me quote the President once more, but this time from 1974, when the nation was last going through this agony.

''There is no question that an admission of making false statements to government officials and interfering with the FBI is an impeachable offense. If a President of the United States ever lied to the American people, HE SHOULD RESIGN.''

Mr. President, do not put America through this, do not put your countrymen through this, do not put this Congress through this ordeal. Heed your own words and resign, because it is the right thing to do.

My fellow members, we must do the right thing as well, because it is our duty. We must ensure that this ordeal is never repeated by a future President who is led to believe by our actions that they can repeat these offenses and get away with it.

Vote for a full trial in the Senate. Do your duty.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I rise in support of the first, second and third articles of the resolution.

Mr. Speaker, let me first commend my longtime friend and colleague, the gentleman from Illinois (Mr. HYDE) for his remarks. His words brought tears to my eyes and moved me as no words I have heard in my 25 years of legislative service. I thank him for reminding us all of the defining principles that form the bedrock of our free society and our system of government under the rule of law.

Now, regarding our fighting men and women in the Gulf and the timing of this debate, I say to my colleagues, there was a large protest rally against impeachment on the West Front of the Capitol yesterday afternoon. Many of the members of the minority party attended and spoke at that rally. It was the right of all to attend and to raise their voices.

No one would suggest that the exercise of democracy outside this Chamber denigrated the men and women of our Armed Forces in combat in the

Persian Gulf. But neither does this exercise of democracy inside this Chamber show disrespect for them.

□ 1930

Indeed, the processes of democracy and our freedoms are exactly what they are fighting to preserve.

Mr. Speaker, the President has undermined the rule of law in a manner that warrants his impeachment by the House. Early on I suggested censure might be a way to avoid reaching the point we have reached today, but whatever opportunity existed to redress this matter by alternative means was lost as a result of the President's own conduct.

By persisting in his efforts to avoid or minimize consequences for his action, rather than to admit to the country that he lied in a court of law and attempted to obstruct justice, he has moved us beyond the point where a strong and meaningful censure could be considered as a way to resolve this matter.

Tragically, the President sends the American people the constant message that he believes himself to be above the law. That is a message that a society founded on the rule of law cannot tolerate.

Passage of this resolution will put to the Senate the question of whether this President's conduct warrants his conviction, and if so, his removal from office. No one had hoped more than I to avoid this trauma. There can be no question that we are witnessing an American tragedy, a tragedy for the President, a tragedy for our country.

It is with a heavy heart, but with confidence that my votes are right, that I will vote in favor of the first three articles of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, we only want a fair shake at being able to convince our good friends about our case on the President.

I do not know if the gentleman from California would tell us if he has been able to see private showings of nonrelevant material in the secured room to influence their votes, and whether or not we have been given the same opportunity. We do not mean they have been beaten, but we want to know whether or not the moderates have seen that. We have not had the opportunity to share the information that we have that suggests the President should not be impeached. This should be a fair process, Mr. Speaker.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DOYLE).

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

Mr. DOYLE. Mr. Speaker, I rise to address these articles of impeachment and the magnitude of what our actions today portend, not only for the office of the presidency and the institutional integrity of the House, but for the well-being of our country.

In my estimation, while the President's misconduct in this matter is both reprehensible and indefensible, it does not rise to the threshold of impeachable offenses, as drafted by our Founding Fathers.

Without question, the impeachment provisions of the Constitution were drafted in word and spirit to provide recourse for crimes committed against the State. Treason, bribery, or other high crimes and misdemeanors cannot be indicated with the allegations outlined in the Starr referral. We must not allow the historical context and inherent meaning of the Constitution to be subsumed by political passion and rhetoric.

This is not to say that the President's misconduct does not deserve condemnation. It does. Thus, I am profoundly disappointed that the Republican leadership has thwarted consideration of a formal censure of the President.

Mr. Speaker, for all of the above reasons, I urge my colleagues to vote no on the articles of impeachment, and instead, support a strong and severe censure.

Mr. Speaker, I rise to address these articles of impeachment, and the magnitude of what our actions today portend not only for the office of the Presidency and the institutional integrity of the House of Representatives, but for the well-being of our country.

As with any serious matter, it is of the utmost importance to avail oneself of all available information before reaching a conclusion. Accordingly, I did not arrive at a final determination on the articles of impeachment until I had the opportunity to thoroughly review the Judiciary Committee's final report. In my estimation, while the President's misconduct in this matter involving an adulterous affair is both reprehensible and flat-out wrong, it does not rise to the threshold of impeachable offenses as drafted by our Founding Fathers.

Without question, the impeachment provisions of the Constitution were drafted in word and spirit to provide recourse for crimes committed against the state. Treason, bribery, or other high crimes and misdemeanors can not be equated with the allegations outlined in the Starr referral and presented in the Majority's views contained within the Judiciary Committee's final report. We must not allow the historical context and inherent meaning of the Constitution to be subsumed by political passion and rhetoric, or subordinate the office of the Presidency to the whims of Congress.

This is not to say that the President's misconduct does not deserve condemnation. It does. Thus, I am profoundly disappointed that the Republican Leadership has thwarted consideration of a formal censure of the President. By doing so, the Leadership is effectively preventing members from having an opportunity to vote their conscience on what will likely be the most significant decision during their public service in the U.S. House of Representatives. To not be afforded the opportunity to consider a censure motion shifts the focus from appropriate punishment of the President to inflicting unwarranted distress on the entire country. In my view, our actions should not result in further upheaval for the American people, but should bring about prompt resolution of the matter.

I hold an enormous amount of respect for the institutional integrity of the House of Representatives, but seriously have to question what precedent today's pending vote will set for the tenor of the 106th session of Congress. While the 104th Congress was often marked by deep philosophical divides and the 105th for missed opportunities for compromise on social security and HMO reform, one must consider the shadow that will be cast on the potential for progress in the 106th Congress if we proceed further with the process of impeachment.

As members of Congress we should be working to build consensus and solve problems, not to encourage divisiveness and apathy. If the House does approve these articles of impeachment, it is my belief that we will be doing a disservice to the office of the Presidency, the House of Representatives, and the country—not only in the short-term, but for many years to come.

For all of the above reasons, I urge my colleagues on both sides of the aisle to vote no on all articles of impeachment, and to instead support a strong and severe censure resolution.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

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

Mr. PASCRELL. Mr. Speaker, I have not, to this point, formally announced how I would vote on the four articles of impeachment. In reaching my decision, I have weighed not only my constitutional duty and this President's fate, but I have weighed what vote is the right vote for the United States. I have concluded that this president can and should continue in office for the remainder of his elected term.

In this famous passage in the Federalist 65, Alexander Hamilton, who has been quoted many times today, who founded the town I am from, Patterson, New Jersey, I am a patriot, too, Hamilton stated that a partisan impeachment ''threatened to agitate the passions of the whole community . . . to divide it into parties . . . to connect itself with preexisting factions . . . and to enlist their animosities, their partialities, their influence and interest.''

Ironically, our colleague on the other side, the gentleman from Georgia (Mr. LINDER) echoed Hamilton's warnings a few months ago when he said, and please remember what he said, one party cannot impeach the other party's president. He said it, Members heard it. I ask them not to do what they are going to do.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, when I won a special election in February, little did I expect that 10 months later I would have to cast a vote that was certain to become one of the most important in my life.

I intend to vote against each of these articles of impeachment. My reasons are neither partisan, nor do they reflect my distaste and dissatisfaction with the President's behavior. Instead, my votes are a protest against an unfair process.

The inequities of the impeachment process have been glaring. The Republicans started with Whitewater, and they found nothing. Ken Starr then went to Travelgate, he found nothing. He looked at Filegate, he found nothing. Mr. Starr never made statements. He never released documents.

In fact, he made no effort to publicly admit to the lack of evidence against the President. Instead, he developed relationships with the Jones legal team, and withheld this information from the Justice Department. Rather than disclosing this bias to the proper parties, Mr. Starr was now working in cahoots with Jones, Linda Tripp, and others to set up the President.

What we are doing here is not a prosecution, it is a persecution. Indeed, it is a political lynching. The Republicans have had no agenda for over a year, and with this act today, they are signaling they have no agenda for the future, rather than working together in a bipartisan manner on issues. The people want censure and move on.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on the Judiciary.

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

Mr. GOODLATTE. Mr. Speaker, it is a somber day as we consider articles of impeachment against the President of the United States. As the chief law enforcement officer of the Nation, it is incumbent upon the President to uphold the laws and remain faithful to the Constitution.

The question before the Congress is whether the President intentionally misled our judicial system and the American people as part of a calculated, ongoing effort to conceal the facts and the truth, and to deny an average citizen her day in court in a sexual harassment lawsuit.

Did the President betray the public trust by perjuring himself before a Federal grand jury and obstructing justice? Virtually every public official in America, including our Nation's Governors and virtually everyone in private employment, would lose their job if they committed perjury or obstructed justice. In fact, many already have. The Committee on the Judiciary heard from average Americans who have suffered these consequences and even incarceration because they committed perjury.

Millions of law-abiding Americans from all walks of life, including my constituents, put in an honest day's work, follow the rules, and struggle to teach their children respect for the law and the importance of integrity.

When a factory worker or a doctor or a retiree breaks the law, they do so with the knowledge that they are not above the law. This same principle must also apply to the most powerful in our Nation, including the President of the United States. To lose this principle devastates a legacy entrusted to us by our Founding Fathers, and protected for us by generations of Americans.

Articles I and II deal with perjury before a Federal grand jury and in a civil deposition before a Federal judge. I would like to particularly call to the attention of the Members Article III dealing with obstruction of justice.

The evidence shows that the President corruptly encouraged a witness in a Federal civil rights action to execute a sworn affidavit in that proceeding that he knew to be perjurious, false, and misleading.

The evidence shows that the President corruptly encouraged a witness to give perjurious, false, and misleading testimony if and when called to testify personally in that proceeding.

The evidence shows that the President corruptly engaged in and encouraged or supported a scheme to conceal evidence. The evidence shows that the President corruptly prevented the truthful testimony of a witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him. And the evidence shows that the President corruptly allowed his attorney to make false and misleading statements to a Federal judge.

I have a constitutional duty to follow the truth wherever it leads. The truth in this case leads me to believe that the President knowingly engaged in a calculated pattern of lies, deceit, and delay in order to mislead the American people, impede the search for truth, deny the right of his accuser to have her day in court, and protect himself from criminal prosecution. Therefore, I have no alternative but to support articles of impeachment against President Clinton.

Mr. Speaker, we must ask ourselves what the President's failure to uphold the rule of law says to the Nation, and most especially to our children, who must trust us to leave them a civilized Nation where justice is respected. It is for them and for their future that we must act today.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. HILLIARD).

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

Mr. HILLIARD. Mr. Speaker. I rise to oppose the Articles of Impeachment against the President of the United States.

The acts in which President Clinton engaged with Miss Lewinsky may have been morally wrong, but they were not illegal.

Whatever occurred between the President and Miss Lewinsky, the facts are uncontested and indisputable—there was no penetration of her sexual organ by his sexual organ—therefore, there was no sexual intercourse. When the President said that he did not have sex with that woman—he did not lie. President Clinton, along with other southerners, commonly defines sex or sexual relations as sexual intercourse or coitus. He did not lie because he did not have sexual intercourse with Miss Lewinsky. Consequently, there is no legal basis for perjury, and certainly no basis for impeachment.

I am grounded in Christian values and have been, from the age of one, involved in my church in various capacities, such as Sunday school teacher, Chairman of the Trustee Board, and a Deacon. I have learned and have been taught that if one sins, only God can forgive him. Sin is breaking God's laws as set out in the Ten Commandments. These laws pertain to morality, not legality. Because I am not a God, I am not in a position to judge the President. I leave that task to be dealt with by him and his God.

I strongly feel that these impeachment proceedings, from the beginning, have been too partisan to be objective. Feelings of hatred for President Clinton have been evident since Independent Counsel Starr was appointed to investigate matters totally unrelated to any of the alleged acts which are the basis of these proceedings. This is a political persecution of a President based on his views and his level of success as a President. I feel that the atmosphere the Republicans have tried to create has been solely for the purpose of pressuring the President to resign. This cannot be condoned nor tolerated by me or any other Member of Congress! We should never let a party use its numbers, power, or influence to hound a popularly elected president out of office.

I truly believe that history will support the fact that President Clinton's alleged acts did not rise to the level of impeachable offenses as contemplated by the Founding Fathers. We are to protect the integrity of the Constitution at all times and in all ways—no matter how distasteful or messy a situation gets. I feel that in this instance the Republicans have used Kenneth Starr, their numbers and power in the House and Senate, and influence in the media to create a so-called Constitutional crisis. They have tried to make the President less effective in carrying out his duties and have tried to defeat him in Congress, through these impeachment proceedings. This is nothing more than an attempt to do in Congress what they could not do at the ballot box. Therefore, I adamantly oppose the articles of impeachment against the President of the United States and will vote against each and every one.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, to go back to the last speaker, let me refer to Monica Lewinsky's grand jury testimony: ''No one asked me to lie, no one offered me a job for my silence.''

You do not impeach a president because of guesswork, or inferences, or what he might have said, what he could have said, who might have said something. That is the evidence. You do not impeach a president based on this lack of evidence.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, again, referring to the last gentleman, repeatedly saying an untruth does not make it true.

I will remind the gentleman, the judge ruled that the Monica Lewinsky affair was not material to the Paula Jones case, and the President consequently did not deny her her day in court. Every prosecutor who came before the committee said there was not sufficient evidence for any of these perjury allegations.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I was one of the few Democrats to have voted for the Republican-sponsored impeachment inquiry, but I rise today to urge my colleagues to vote no on all four impeachment articles. The President had an immoral and reckless sexual relationship with a subordinate government employee. The President then lied about it under oath and to the American people.

But we take an oath as well. We swear to uphold the Constitution, so help us God. The great Founding Fathers, on whose shoulders we stand, would never have impeached a president over charges not related to the President's official duty to protect the national security and interests of the United States.

This vote is not about whether Mr. Clinton is subject to the Nation's laws, as has been suggested. Of course he is. Mr. Clinton may still be prosecuted and convicted of criminal wrongdoing when he leaves office, because the President should not be above the law.

We are all deeply disappointed with his conduct, but Congress has no constitutional basis to impeach and remove the President over this type of illegal activity. In fact, no matter how strong our desire to punish the President or to condemn his behavior, our constitutional duty requires us to determine the answer to one question only, has the President committed treason, bribery, or other such high crimes. The answer to that question is no.

The American people and the Members of this House have heard an awful lot about this sad affair, but perhaps we have not heard enough from the people who would not tell the majority what they want to hear, but rather, what they need to know.

No one in this House has received direct testimony from the principal players directly involved. For example, after talking to the gentleman from Florida (Mr. MCCOLLUM) about his particular concern that Betty Currie was used by the President to obstruct justice, a concern which I shared, I asked Betty Currie in the oval office this week directly about my concerns. Unlike the rest of the Members of this House, I was able to gauge her credibility. I found her believable.

Her perspective on what occurred is very much different than what we have been led to believe. She suggests what we are doing is horribly wrong, but she was never called to testify before us. We must accept Mr. Starr's report with no independent congressional fact-finding.

It is wrong for the Republican leadership to oppose a harsh censure resolution precisely because they know it would pass. Alexander Hamilton said that the danger of a partisan impeachment regulated by the comparative strengths of political parties is wrong. That is what we are doing. Vote no in defense of the presidency and our Constitution.

□ 1945

Ms. LOFGREN. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I rise to say that the citizens of the 7th congressional district and the American people are being treated unfairly. They are being denied the opportunity for their representatives to vote for censure which will allow the country to move on and begin a healing process which we all believe is necessary.

Unfortunately, this unfairness is not new. It is typical of the whole process. It is so unfair that we can only speculate at the reason a surrogate is the presiding officer for this momentous procedure, a vote second only in importance to a declaration of war. The fact that neither the gentleman from Georgia (Mr. GINGRICH) nor the gentleman from Louisiana (Mr. LIVINGSTON) is presiding today speaks volumes about the leadership of the House at this historic moment. The lack of leadership reminds me of Pontius Pilate who washed his hands at the crucifixion.

Make no mistake, the President's acts should be condemned by the House, but they do not rise to the level of an impeachable offense. The impeachment of the President without the support of the public will be extremely devisive.

History has shown us that the wounds of the 1864 impeachment took decades to heal. It took 100 years before we had the Civil Rights Voting Act in this House. I think it is clear the people want justice but not the kind of justice you are eager to vote for. I urge you to reconsider your ill-advised actions and allow the House to have a fair vote that includes censure.

Mr. Speaker, I include the following for the RECORD:

Seattle, WA, December 15, 1998.

Hon. JIM MCDERMOTT,

House of Representatives, Capitol Hill, Washington, DC.

DEAR REPRESENTATIVE MCDERMOTT: Thank you so much for declaring your intention to vote no on impeachment.

At one level I understand this to just be ''following the party line'', but (and I have also written the Washington state Republican representatives), more broadly I hope that you share my internal conviction that, legalese aside, the entire affair(!) simply doesn't rise to the level of ''high crimes and misdemeanors''. There has been no threat to the government, no clandestine arrangements with foes or allies on the part of the President. No one (including Mr. Clinton) argues that his behavior was proper, but only zealots seem to think it's an impeachable offense.

The same can not be said for the activities of the House Leadership, which seems to me to have brazenly used political power to choreograph the entire process, frame the discussion and now (so we read) threaten ''dire consequences'' for anyone who votes against the Party Line. From the vantage point of Seattle, this black-and-white, do-as-we-tell-you approach doesn't seem much different from stories we used to hear about ''rubber stamp'' governments in the former Soviet Union.

I realize that there is a clash of cultures here—Professor George Lakoff at Berkeley has uncovered a relationship between people who vote Republican and those who prefer Democrats, based on their perception of ''family values''. Republicans favor the ''strong father/single decision-maker'' model of the family, while Democrats think of the family in terms of all its members. Hillary's ''It Takes a Village'' view thus resonates with her supporters. Since these images are formed in our early years they tend to be inseparable from what we ''instinctively'' feel is True in later life, and thus, just as Deborah Tannen has shown that men and women live in different cultures, so too do Republicans and Democrats.

One would think that Mr. Livingston might have learned something from the last election, but perhaps he continues to believe that constituents like myself are the exception. If my facts are correct, I believe that nationally 60% of the public wants Congress to vote for censure and ''move on''. Your mail ratio may be somewhat different—certainly the Religious Right and the Clinton Haters see this as a chance to advance their causes. But I know from having just talked to four of my friends that all of us have exactly the same opinion, yet 80% of this group felt that The Republicans were going to do whatever they liked, and that it was just a waste of time to even write. From my perspective, this attitude of hopelessness is a far deeper stain on our country than the one on the dress.

I'm not a political activist, but I do feel strongly about my responsibility as an American citizen to raise my hand and say ''Stop'' when I see such a blatant, run-away abuse of power. I'm not saying that the President has done no wrong—even he admits his errors. But is covering up an extra-marital affair truly the kind of ''high crime and misdemeanor'' the Constitution had in mind? You know the historical facts—Clinton is not the first president to engage in such activity. ''Ah, but it's not the act, it's the perjury'' they say. Obviously lying is not a good thing, so I'm willing to let any Congressman who has never told a lie vote accordingly. But to me there is an enormous difference between lying about diverting funds for Iran-Contra fighters (which might have involved us in a war) and lying about having sex in the Oval Office. It doesn't take a PhD from Harvard to sort this out.

Neither am I a Biblical scholar (I don't even go to church), but the vote on Thursday seems to come right out of the Old and New Testaments: there are the self-righteous Pharisees, couching their actions in the letter of the law, and, I hope, a larger number of those who remember ''do unto others as you would have them do unto you''. This is the struggle. Four hundred some people get to ''play God'' with the fate of our Nation's

highest elected leader. I hope they think long and hard about that, and seek God's guidance, not Mr. Livingston's, before they assume the role of Jack Ruby and pull the trigger. The House has the reins of history in its hands; it simply blows my mind to see this 'Ultimate Constitutional Weapon' deployed in such a partisan, lock-step manner. This is the behavior that cults and unions are always accused of—not how reasonable people expect members of our highest Assembly to behave.

Is there a sense of ''Well, it doesn't really matter—this is just a procedural vote—it's up to the Senate''? I would hope not—what an irresponsible example to set for our citizens. Yet I understand the enormous pressure that has been unfairly placed on the collective Republican shoulders, so if you can think of anything to do to encourage them, I would hope you would do so. Perhaps you can point out the opportunity to rise to the level of Statesman that few people ever attain, or to recall whom it is that History remembers from the Andrew Johnson impeachment proceedings. Then again, what we tell our children when they have to deal with peer-pressure situations is to ''just say No.'' That is my appeal as well: Just say No.

Sincerely,

JAMES A. VAN ZEE.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, I do not rise to defend the President's conduct. It was wrong, and months of deceit only made it worse. But that still leaves the question, was the conduct of such enormity that it can be compared to bribery or treason?

I followed the hearings. I read the report last night. I have listened to the debate today. I do not think this case meets constitutional requirements. I come down on the side of President Ford and Senator Dole. I think President Clinton should be censored, censored severely, and the censure should be imposed right here in the well of the House. The President should be called to this spot and our rebuke read to him before the Congress, the cabinet and the whole country.

So given the chance, I will vote to censure but not to impeach, not to inflict a remedy that has been invoked only twice in 210 years and used only once to remove a President.

The majority argues that articles of impeachment are the proper form of censure. The problem is that a resolution of impeachment in the House requires a trial of impeachment in the Senate. And it could be a pointless trial, as the majority well knows, because there is little chance today that two-thirds of the Senate will vote to convict.

So what do we have? We have a country bitterly divided on this issue. But let me tell you, I think everybody will agree with this, there is no clamor in the country to have this evidence replayed again, to see an instant replay of this trial. The people of this country want it over.

The right way to get it over is to have a severe rebuke of the President, to bring him here, censure him in such a way that it will stain his legacy forever, but not leave a stain, not leave a precedent that will weaken future presidents or a precedent for Article II section 4 that will be unprecedented in history.

That is the right action to take, and I urge this House to take it.

Mr. Speaker, I do not rise to defend the President's conduct. I think his conduct was wrong, and months of deceit only made it worse. But that leaves the question: was his conduct impeachable? I have followed the hearings and read the report, and I come down on the side of President Ford and Senator Dole: I think President Clinton should be severely censured; and the censure should be imposed here in the well of the House. The President should be called to this spot, and our rebuke read to him before the Congress, the cabinet, and the whole country.

Given the chance, I will vote to censure, but not to impeach, not to inflict a remedy so extreme that it has been invoked only twice in 210 years, and used only once to remove a president.

The majority argues that Articles of Impeachment are the best form of censure. The problem with their argument is that a resolution of impeachment in the House requires a trial of impeachment in the Senate. And it could be a pointless trial, as the majority well knows, because there is little chance that two-thirds of the Senate will vote to convict. We could vote today, right now, on censure; pass it by a wide margin and carry it out. But the majority would have a trial, and have this cloud hang over the next Congress, as it has this Congress.

The President's conduct was reprehensible, but the Constitution requires more than reprehensible conduct before 67 members of the Senate can remove a President elected by 60 million people. To impeach, the Constitution requires in Article II, Section IV that Congress must find ''Bribery, Treason, or other high Crimes and Misdemeanors.'' These words are so open-ended that some say the question comes down to political judgment, and in a way, it does. Congress has room to decide what are ''high crimes and misdemeanors.'' But the language of the Constitution does have meaning, and we are obliged to follow it.

The first drafts of the Constitution gave only bribery and treason as grounds of impeachment. George Mason moved to add ''maladministration.'' James Madison argued that ''So vague a term will be equivalent to a tenure during the pleasure of the Senate.'' George Mason, therefore, withdrew ''maladministration'' and substituted ''other high Crimes and Misdemeanors <agst. the State>.'' In the 65th Federalist Paper, Alexander Hamilton explained what they had in mind: ''offenses which proceed . . . from the abuse or violation of some public trust . . . [relating] chiefly to injuries done to society itself.''

When the framers put powers to impeach in the Constitution, they wanted to protect us from ''great and dangerous'' abuses, offenses that a president might commit against the state. In 1974, when the House Judiciary Committee was faced with a slate of charges against President Nixon, it approved, on a bipartisan vote, a rule of substantiality:

''Not all presidential misconduct is sufficient to constitute grounds for impeachment. There is a further requirement—substantiality . . . Because impeachment of a President is a grave step for the nation, it is to be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the Presidential office.''

Almost all of the charges against the President stem from his testimony in a deposition, taken in a suit brought by Paula Corbin Jones. I do not think the President told the whole truth in that deposition. He took refuge in a tortured definition of ''sexual relations'' and when pressed for detail, he dodged, dissembled, and evaded. He said, for example, that he was never ''alone'' with Monica Lewinsky. His testimony was deplorable, and he deserves rebuke. But I am not convinced that an ordinary citizen would be prosecuted for this same sort of testimony for several reasons.

First come the arguments put forth by the President's lawyers: that the President exploited an odd definition of sexual relations approved by the judge; that the questions asked of him were ''vaguely framed;'' and that his answers were evasive, incomplete, and even ''maddening,'' but not false. I am not satisfied with these defenses, but they might be enough to fend off prosecution.

Next comes the law of perjury. Lying under oath becomes perjury and a crime if it is ''material'' to the suit in which the testimony is given. In the case brought by Paula Corbin Jones, Judge Susan Webber Wright held that the evidence relating to Monica Lewinsky was ''not essential to the core issues in this case.'' When Judge Wright granted summary judgment and dismissed the suit, she said, ''Whether other women may have been subjected to workplace harassment, and whether such evidence has been suppressed, does not change the fact that plaintiff has failed to demonstrate that she has a case worthy of submitting to a jury.'' As the Minority Report points out, ''When Judge Wright ruled on April 1 that no matter what the President did with Ms. Lewinsky, Paula Jones herself had not proved that she has been harmed, the court's opinion confirmed that the President's statements, whether truthful or not, were not of the grave constitutional significance necessary to support impeachment.'' Report of the Committee on Judiciary to Accompany H. Res. 611, page 344.

Finally, five former federal prosecutors told the committee that federal prosecutions for perjury in civil actions do occur but are not common because ''federal prosecutors do not use the criminal process in connection with civil litigation . . .'' Edward Dennis explained that ''prosecutors are justifiably concerned about the appearance the government is taking the side of one private party against another.'' William F. Weld, the former Republican Governor of Massachusetts, who ran the Criminal Division of the Justice Department during the Reagan Administration, told the committee that in the Reagan Administration ''it was not the policy of the Justice Department to seek an indictment based solely on evidence that a defendant had falsely denied committing adultery or fornication.''

We cannot diminish the gravity of lying under oath, especially by our President. But before we impeach and remove him from office, we should note the subject of his testimony. It was about personal and not official conduct. In a law suit dismissed by summary

judgment and later settled, it is not likely that an ordinary citizen would be prosecuted for such testimony. I do not condone the President's evasive and dissembling answers, but I am reluctant to impeach him for an offense that would probably not cause an ordinary citizen to be prosecuted.

If testimony in his deposition was not indictable, of course, the President should not have been called before the grand jury. But he was called, and according to the Independent Counsel, he perjured himself here in three respects:

First, by stating that his relationship with Monica Lewinsky began in February 1996 rather than November 1995. To this, the President's counsel points out that the Independent Counsel gives no proof for his contention that the President avoided the earlier date because Ms. Lewinsky was then an intern and chose the later date because she was then an employee. Counsel argues that, in any event, no judge or jury would find such a discrepancy material.

Second, by stating that he believed oral sex was not covered by the definition of ''sexual relations'' approved by Judge Wright when his deposition was taken. But the President admitted to the grand jury the key fact: he had oral sex with Monica Lewinsky. He continued to argue that ''oral sex'' was outside the judge's definition. His argument may be tenuous but it was an argument over semantics rather than facts.

Third, by saying that he had not engaged in certain types of sexual conduct in order to keep his grand jury testimony consistent with his deposition. The President's sex with Monica Lewinsky probably was ''reciprocal.'' He probably did touch her in ways he did not admit. To this, the President's counsel raised one question for every member to ask: ''Am I prepared to impeach the President because, after having admitted he engaged in egregiously wrongful conduct, he falsely described the particulars of that conduct?''

Let's dismiss all of the above and assume that parts of the President's deposition were false and material to Paula Jones' suit. Two distinguished lawyers, Professor Van Alstyne of Duke Law School (called by the majority) and James Hamilton (called by the minority), testified that even so, these were ''low crimes,'' not the high crimes comparable to bribery and treason which the Constitution requires for impeachment.

There are two remaining articles. One charges obstruction of justice, but in the words of Governor Weld, the case is ''thin.'' The President lied to the public and to his staff and cabinet, but the proof stops short of showing that he suborned them to lie. Monica Lewinsky told the grand jury that no one asked her to lie or promised her a job if she remained silent. The other article charges abuse of power. It may be the most troubling of the articles, because if passed, it could become a threatening precedent for future president who find themselves in disputes with Congress over their powers, prerogatives, and jurisdiction.

The majority argues that articles of impeachment are required by the rule of law. But the rule of law starts at the source, with the Constitution, Article II, Section IV. How the Congress removes a President elected by the people is vitally important to our democracy. The framers of our Constitution did not choose a prime minister beholden to parliament, but a president independent of Congress, so that each could counter the other. Having made that decision, they did not intend for the impeachment power to be used so that the president serves, in effect, as the will of Congress. They knew that impeachment might be needed in extreme cases, so that Congress could remove a president who took bribes or became a traitor or tyrant. For 210 years, Congress has regarded the impeachment power in that light, as extraordinary, and abused it only once, in the case of Andrew Johnson.

President Clinton deserves censure. But as sordid and disgraceful as his conduct has been, it does not rise, in my humble opinion, to a ''high crime'' like bribery or treason. Not just for his sake, but for sake of the presidency, we should not impeach on the facts before us. We have an option; we can rebuke this president and leave a black stain on his legacy, without risking the constitutional balance of power. That is why censure is the proper choice.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, we have heard an awful lot about the transactions relative to what the President said at the deposition in the Paula Jones lawsuit relating to Monica Lewinsky's affidavit. I do not think the Members who thundered on denouncing what the gentleman from Virginia (Mr. GOODLATTE) said have read page 63 of the committee report. I shall do so.

After reading from the affidavit out loud, the President's attorney, Mr. Bennett, asked the President, is that a true and accurate statement as far as you know it? The President answered, that is absolutely true.

That is at page 204 of the deposition of President Clinton in the case of Jones versus Clinton.

During the same deposition, Robert Bennett, the President's attorney, stated, Counsel is fully aware that Ms. Jane Doe No. 6 has filed, has an affidavit in which they are in possession of saying that there is absolutely no sex of any kind, any manner, shape or form with President Clinton.

That is at page 54.

Now, a few months later, the grand jury testimony of Monica Lewinsky, which was given under oath and following a grant of transactional immunity, confirmed that the contents of her affidavit were not true.

Question: Paragraph 8 of the affidavit says, I have never had a sexual relationship with the President; is that true? Answer: No.

That is the transcript of the grand jury testimony of Monica Lewinsky at page 924.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

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

Mr. UPTON. Mr. Speaker, I have never been hesitant to work with any Member, Republican or Democrat, to get things done for our country. I count good friends on both sides of the aisle. To me, this vote is not about politics, it is about respect, integrity, our laws and, yes, the Constitution.

One of the highlights of my life was serving in the White House. There was never a time that I have not had the greatest respect for the office of the President.

Etched in the marble fireplace under President Lincoln's portrait in the White House is a quote taken from a letter written by President Adams to his wife Abigail in 1801. It reads, I pray heaven to bestow the best of blessings on this House and on all that hereafter inhabit it. May none but honest and wise men ever rule under this roof.

We have millions of public servants in this land, some serve as governors, some as legislators or school board members. In every one of those roles, we will never agree always on the best course that they choose for our Nation or community. But as Americans we need to respect them and their decisions. That is what our democracy is all about. The key bedrock of every public official is their oath of office. Integrity does count. I do not know of a single Michigan community that would tolerate a public official violating that oath. The charges and evidence contained in these articles are indeed most serious. Perjury to a grand jury, obstruction of justice, what kind of message do we send to America if we set a lower standard for the highest public official in this land?

You have to tell the truth, even when it is not easy, even when it is not convenient. That is the basic tenet and foundation of our society.

The question for us today is whether there is enough evidence for us to try this case in the Senate. I believe that there is sufficient evidence, and I will vote to impeach the President with a clear conscience.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

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

Mr. MICA. Mr. Speaker, today is a difficult day for both the Congress and the country. I truly believe that if we could search the hearts and souls of every Member of Congress, that none of us would like to undertake the impeachment of any President of the United States. We are not here today because of the single action of any one individual except the President, William Jefferson Clinton. We are here because nearly every Member of the House of Representatives voted to conduct an impeachment inquiry of this President. We are here because this Constitution requires us to do our job and faithfully adhere to its principles and our laws.

Every Member of Congress knows exactly why we are here. We are here today because the President of the United States committed offenses that leave us only to debate the question of an appropriate punishment.

The majority members of the Committee on the Judiciary and its distinguished chairman, the gentleman from Illinois (Mr. HYDE) in my opinion have presented a very clear and factual documentation of acts by this President that to me constitute impeachable offenses.

Today the action required again by this Constitution in fact defines the very essence of our Constitution, that under our system all men and women are treated equally under the law. That means if you commit perjury or obstruct justice, you will be held accountable. If you are a Member of Congress or President of the United States, you will be held accountable. Even if you are popular, even if you do 1000 good deeds, you will be held accountable. Whether you are powerful or powerless, rich or poor, our Constitution and law, under it no one is above the law. What we do today is not about politics or the next election. What we do today is about the next generation.

Millions have died to preserve and protect our democracy and system of justice and equality.

Unfortunately, the actions of this President have threatened the very foundation and basis of our progress, our justice and our democracy.

What we do today is not about politics or the next election. What we do today is about the next generation.

Earlier today I heard the Minority Leader as he spoke and I would like to respond to some of his comments.

He said we are sending the wrong message to the world, our foes, the Chinese and Russians. In fact I believe we are sending the most significant and important message that America has set an example of true democracy and equality under Constitutional law.

He said this is the wrong time because our armed forces are in harm's way. This is the right message because those in uniform are serving to protect and defend the tenets of our Constitution.

He said this is the most radical act Congress could perform. I submit it would be radical for Congress to shirk its Constitutional responsibility.

He said we need to get back to values of decency, respect and trust before our nation is degraded. I submit that that is in fact why we in Congress are here today to return under the provision of our Constitution to the principles of decency, respect and trust. The saddest part about this whole matter is how the actions of this President have so divided this Congress and the people of our great nation.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FORBES).

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

Mr. FORBES. Mr. Speaker, the President has brought the Nation to this sad occasion. What we do here we should be able to explain to our children and our grandchildren.

I include for the RECORD a letter that I wrote to my children this morning:

DECEMBER 18, 1998.

DEAR ABBY, TED AND SAM: Tomorrow, I will cast a difficult vote to impeach the President of the United States.

Over the last couple of weeks, I have agonized over my decision, for this is a somber time in our Nation's history. But I decided the evidence is clear that President Clinton perjured himself by lying under oath, obstructed justice and directed others to assist his deceit and abused his office by misleading Congress in answers to questions submitted by the Judiciary Committee.

In the end, I must vote for impeachment in order to fulfill my Constitutional duty to protect the integrity of the Office of the President.

Two years ago, I made a painful decision when I opposed Newt Gingrich because of his admitted ethical mistakes. Then, as now, I based my decision on the principle that our national leaders must be held to the highest standards of honesty and integrity.

There is much that is likable about President Clinton and I was proud to work with him on the environment, education, health care and other issues I deeply care about. I am also mindful of the abiding impact impeachment will have.

This issue comes down to one basic principle: the President of the United States is not above the law.

As Americans, we have every right to expect our President to be someone our children can look up to and someone who can be their role model. As your father, I have always tried to teach you to be responsible citizens and own up to your mistakes. In this regard, President Clinton failed our Nation.

Nearly a year ago, when confronted with the accusation of an improper relationship with an intern, the President scornfully shook his finger at the Nation and lied to the American people.

Even after is has been proven beyond doubt that these wrongdoings did occur, and that he lied about them under oath, President Clinton still refuses to admit the truth.

As I have always told you, we must face the consequences of our actions.

The basic laws upon which America was founded and that make it the greatest Nation in the world are now at stake. The United States is a beacon of hope and opportunity to the entire world and the President must reflect what is good and decent about our country.

Perjury can never be excused. Congress has a responsibility to make it clear that perjury in any instance and by anyone, without exceptions even for the President, is illegal. Lying under oath is illegal. Multiple lies under oath are illegal.

It is my sacred duty, as a Member of the House of Representatives, to uphold the Constitution and vote to impeach the President for lying under oath, obstructing justice and abusing the power of his office.

I always taught you to tell the truth. You have never disappointed me and I am proud to be your dad. Years from now, when you look back on the vote your father cast, I know you will understand the importance of my decision. And, I hope you will understand that I did it for you—for the country you will inherit, live in and lead.

Love,

DAD.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

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

Mr. COSTELLO. Mr. Speaker, I rise in opposition to the articles of impeachment.

Mr. Speaker, I rise today in strong opposition to the articles of impeachment filed against the President of the United States. While I strongly oppose the articles of impeachment, I favor a motion to send the resolution back to the Judiciary Committee with instructions to the committee to report a resolution censuring the President of the United States for his reprehensible and inexcusable conduct.

Mr. Speaker, this is a sad day in the history of our country. For only the second time in the Nation's history, the U.S. House of Representatives is moving forward with articles of impeachment against the President of the United States.

Our Founding Fathers wisely concluded that the standards to impeach a sitting President should be very high. Most constitutional scholars and historians have clearly stated that impeachment was not intended as punishment, but to protect the Republic. These same scholars agree that Presidents should only be impeached for high crimes and misdemeanors, conduct by a President so dangerous and reprehensible that it poses injury to the Republic.

Mr. Speaker, I have carefully reviewed the four articles of impeachment passed out of the Judiciary Committee on a party-line vote. I have reviewed many documents, listened to the testimony and statements made by Members of Congress, historians, and constitutional scholars. I have followed much of the hearing conducted by the Judiciary Committee, and I have concluded that the President's conduct does not rise to the level of an impeachable offense as intended by our Founding Fathers.

Even if one assumes that the President of the United States is guilty of all or any of the activities described in the articles of impeachment, his conduct—while reprehensible and inexcusable and perhaps in violation of the law—they did not and do not threaten our Nation or cause injury to the Republic. If it can be proven that the President committed perjury before the grand jury, then the President is subject to criminal prosecution the day he leaves office in 24 months.

Mr. Speaker, the action that we take today concerning this President will have a lasting effect not only on William Jefferson Clinton but more importantly on the institution of the Presidency.

If the House of Representatives impeaches the President of the United States on all or any one of the articles of impeachment being considered today, I believe that we significantly lower the standards for impeachment for our future Presidents, and further politicize a solemn process. The Judiciary Committee heard from over 400 historians and over 200 constitutional scholars on the issue of impeachment. Mr. Speaker, If the evidence to impeach this President on the articles filed by the Judiciary Committee were clear and convincing, we would not have historians and constitutional scholars deeply divided on this issue. The fact that most of the constitutional scholars do not believe that the President's conduct rises to an impeachable offense should tell us to move forward with censure and to dismiss the impeachment proceedings.

Mr. Speaker, I agree with former President Gerald Ford and the former majority leader, Senator Bob Dole, that the Congress should censure the President of the United States for

his conduct and move on with the business of the country.

It has been 130 years since the U.S. House of Representatives voted to impeach President Andrew Johnson. Today, it is clear that the Republican majority in this House intends to ignore the constitutional scholars, historians and the majority of the American people as they proceed to vote to impeach President William Clinton. If they, in fact, do impeach this President, they will set in motion a process which will result in articles of impeachment being filed by the political enemies of future Presidents.

Finally, Mr. Speaker, the way in which the Republican leadership has handled this entire matter has been grossly unfair and regrettably partisan. Many Members of the House believe, as I believe, that the President's conduct—while reprehensible and inexcusable—does not rise to the level of impeachment and therefore the House should censure the President. However, the Republican leadership refuses to let members offer a Resolution to censure and rebuke the President. That, Mr. Speaker, is unfortunate and it is wrong.

I urge my colleagues, for the sake of the institution of the Presidency and for what I believe is in the best interest of this country, to reject the articles of impeachment and to censure the President of the United States for his reprehensible and inexcusable conduct.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

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

Mr. LIPINSKI. Mr. Speaker, I rise in objection to the articles of impeachment.

Mr. Speaker, I rise today to speak on the articles of impeachment. The President's behavior has been deplorable, reprehensible, and immoral. He has disgraced the office of the Presidency. I think it would be best for the country if he would resign and pass the office of the Presidency to Vice President GORE.

Unfortunately, the Judiciary Committee's report does not convince me that his offense rise to the level of impeachment. Consequently, I will vote ''no'' on the articles.

Ms. LOFGREN. Mr. Speaker, I yield 45 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, with regard to the affidavit that the gentleman from Wisconsin (Mr. SENSENBRENNER) referred to, a number of points.

Monica Lewinsky testified that no one asked her to file a false affidavit. There is no evidence that the President asked her to file a false affidavit, and the President did not see or ask to see the affidavit. There is no evidence to that.

And finally, Monica Lewinsky's affidavit defined sexual relations in the way she clearly understood it, as we know from the tape of her conversation with Linda Tripp. After she was threatened by Mr. Starr and her mother was threatened, then she made an immunity deal, then she changed her testimony to what Mr. Starr wanted to hear. Starr admitted to the committee that he chose when to believe her and when not to believe her. To get at the truth, she has to be cross-examined to determine these contradictions and when she is telling the truth and when not.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, in referring to the referral of the gentleman from Wisconsin (Mr. SENSENBRENNER) of the Members to page 63, I would ask him to likewise refer the Members to pages 341 to 342. Judge Webber Wright ruled the issue lacked materiality and all that he said was totally irrelevant. If we just read pages 341 to 342, we would find out that what the gentleman from Wisconsin (Mr. SENSENBRENNER) said was totally irrelevant to this issue.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

(Mrs. TAUSCHER asked and was given permission to revise and extend her remarks.)

Mrs. TAUSCHER. Mr. Speaker, from the day that the Starr referral was delivered to the House, I have said that the decision to impeach the President called upon me to consider the Constitution, my conscience and my constituents. I have reread the Constitution and the Federalist papers. I have heard from over 10,000 of my constituents. I have searched my conscience.

That is why I rise to urge my colleagues to strongly oppose the impeachment of the President. Let me reiterate that the President's behavior has been reckless and wrong. His efforts to mislead the American people were inappropriate for the leader of our great Nation. But my review of the Constitution leads me to believe that while what the President did may be indictable, it is not impeachable.

When I came to Congress 2 years ago, I said that while I could not agree with anyone 100 percent of the time, it was my responsibility as a representative of the people to listen 100 percent of the time. My colleagues, we were sent here to be our constituents' eyes and ears. Americans want representatives that know more, not representatives that think they know better.

Mr. Speaker, I ask my colleagues to please stop and listen. The American people say we must strongly censure the President and get back to their business. I urge you to vote no on impeaching the President.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, the majority, you talk about the rule of law, but you rig the rule today so there cannot be a vote on a strong censure motion that so many of us support. You talk about a vote of conscience, but you will not let us, probably a majority, vote our conscience on this floor. I guess you were aware of your own Members.

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It was not long ago that the gentleman from Illinois (Mr. HYDE) said, ''This whole proceeding will fall on its face if it is not perceived by the American people to be fair. But that is exactly what has happened, an unfair, highly partisan proceeding.

This debate here stands in stark contrast to the debate in 1991 on the Persian Gulf. The feelings were strong but it was nonpartisan and fair. Unlike today, the seats were filled and we came to deliberate, to exchange views, to listen to one another, not to pursue a set political agenda. In this decade, that was this House's finest hour. This is its worst.

Today signifies the total complete breakdown of bipartisanship. What we learned growing up takes on new meaning today. Two wrongs do not make a right. The President was wrong, very wrong. To turn that today into impeachment is also wrong, very wrong.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

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

Mr. KANJORSKI. Mr. Speaker, few will remember what we say here but history will record forever what we do here. The vote of this House will redefine the constitutional power of impeachment and restructure the very nature of our government from three separate but equal branches to a more parliamentary form.

I have listened intently to the able arguments made on both sides of the aisle. I know in my heart and in my mind that neither party possesses a claim on righteousness. So I am profoundly disturbed that so many Members on both sides of the aisle can be so certain of the validity of their positions.

How is it that good men and women of conscience can come to such opposite conclusions on the same facts and circumstances? It appears the only common thread that would account for this extreme difference would be partisanship. I am not gifted or wise enough to discern which side possesses the superior wisdom to be right. However, it appears to me that the constitutional framers and our predecessors established the precedent to solve this dilemma. And that is, the power of impeachment should only be exercised when it has the benefit of broad bipartisan support.

We worry about the rule of law, the example to our children, our Constitutional duty and other such high-sounding phrases, but few have cautioned us about the effect of our decision today on the American Constitution that posterity will inherit.

Some may hate this President. Some may want him punished for sins or crimes. But truly those of us who have sworn to uphold the Constitution should pause at this moment to understand that the action we are about to take will profoundly affect the relationship of

our three branches of government for all time to come.

My only prayer is that may God at this eleventh hour give everyone of us the power and insight to understand the consequences of our momentous decision.

Mr. Speaker, I rise with great sadness because today we are considering whether to impeach a President. Under our Constitution, there is no more somber occasion, except perhaps declaring war. In more than 200 years, we have impeached only one President, and we have never convened a lame-duck session of the House for this purpose.

Just over ten weeks ago, I was one of only five Members of this body to vote against pursuing any form of an impeachment inquiry. At that time, I also called for the Congress to firmly censure the President. I reached these decisions, in part, because I feared the slippery slope of partisan politics that has brought us here today. Careful analysis of the facts known at the time we voted to begin an inquiry led me to conclude none was needed then. Even assuming that the worst was true—namely, that the President lied and delayed the discovery of truth—I concluded that no misdeed rose to the level of an impeachable offense, and that an inquiry would unnecessarily prolong this painful National drama. (CONGRESSIONAL RECORD, October 8, 1998, p. H10025)

In reaching my conclusions, I looked to the Constitution. It states that the President may be removed from office on impeachment for, and conviction of, ''treason, bribery, or other high crimes and misdemeanors.'' Read in their entirety the debates of the Constitution's authors also firmly imply that the bar for impeachment is extremely high, and that Congress should use it to address only those Presidential actions that threaten the stability of our Democracy. Lying about shameful conduct in one's personal life does not meet the standard envisaged by the Constitution's Framers.

In the weeks since we voted to begin an inquiry, the House Judiciary Committee has failed miserably in its mission to conduct a thoughtful and bipartisan investigation. Instead, it has developed a novel, watered-down standard of what constitutes impeachment. The committee has also neglected to interview material witnesses or subject them to the rigor of a cross examination. Furthermore, although we have learned that Miss Lewinsky told the grand jury that no one asked her to lie and no one ever promised her a job, the Committee has ignored such evidence. Of the four articles of impeachment approved on party-line votes, two are ill-defined and two are unsubstantiated.

Not only has a majority of the Judiciary Committee ignored the will of the people as expressed in an election just six weeks ago, but it has also refused to support censuring the President, a more prudent course of action that would swiftly provide closure and allow us to register our displeasure with the President's behavior. Instead, they have argued that impeachment is the censure. We, however, should not make that mistake. In voting today for impeachment we are not voting to censure the President; we are, in fact, voting to remove the President from office.

TREAT THE PRESIDENT NO BETTER AND NO DIFFERENTLY

Although I may not agree with the Judiciary Committee's recommendations on the matters before us today, I can agree with them in at least one respect. Namely, we should treat the President the same as any citizen. I also feel, however, that we should treat someone no differently just because he serves as our President.

During the Judiciary Committee's proceedings last week, a majority of veteran, well-respected, non-partisan prosecutors testified that if the President were not involved—that is, if an ordinary citizen were the subject of an inquiry into the same misconduct—no sincere thought would be given to pursuing a criminal prosecution. If others would not be prosecuted for such conduct let alone removed from their jobs, why should we single out President Clinton? To me, it makes little sense.

The Constitution fortunately offers us a way to obtain justice in this matter without pursuing impeachment. It provides that a President can be tried in criminal and civil courts, after leaving office, for any misdeed committed during his term. The courts can, therefore, decide in the near future if President Clinton perjured himself. A court trial will also ensure that the President is treated as fairly as any other American.

CONSEQUENCES OF IMPEACHMENT FOR THESE ACTIONS

Proceeding with impeachment in this case will also cause significant damage to the Constitution. A great number of Constitutional scholars have concluded that an offense is not impeachable unless it corrupts the government. The President's actions, although shameful, certainly did not destroy the proper functioning of our government. In short, he had an improper relationship with a subordinate, he lied about that relationship in order to conceal it, and he delayed the disclosure of the truth. But, he did not subvert our government by committing treason, invading the civil rights of individuals, or accepting bribes.

Second, lowering the bar for impeachment would forever erode the power of the Presidency and tip the delicate system of checks and balances in favor of Congress. The result would be a de facto parliamentary system whereby the party in power in Congress could impeach a President of another party if a sufficient number of members of the House and Senate simply disagreed with his policies or actions. Our Founding Fathers created a government with three separate, but equal branches. Because impeachment in this case would irreparably and severely alter this balance, we would be wise to heed the counsel of the Constitution's Framers and maintain a strong Presidency.

Finally, if the House passes any article of impeachment, we must consider how much it will harm the Nation. Such an outcome will likely paralyze the legislative branch for months. It will also disrupt the workings of the Supreme Court because the Chief Justice will have to preside over the Senate trial. Moreover, it will divide the country and reverse the judgment of the people who twice elected Bill Clinton as their President.

CENSURE, THE BETTER OPTION

Mr. Speaker, the Founding Fathers intended us to use impeachment only when the Nation is seriously threatened by the Chief Executive. On an issue as important as impeachment, we should, therefore, not engage in partisan politics. We should be seeking bipartisan consensus and allowing Members to vote their conscience.

From my perspective, there is a better course of action than what we are being offered here. Instead of only considering whether to impeach the President or to exonerate him, a more sensible course of action would find a middle ground that would avoid a polarized public, government gridlock, and a Senate stalemate. As I stated at the time of my vote on the impeachment inquiry, I believe that we should strongly censure President Clinton for his reprehensible and immoral conduct. Unfortunately, the leadership of this House has denied us a vote on such an alternative.

Opponents of this option contend that censure is not a Constitutionally-sanctioned procedure for Congressional condemnation of Presidential misconduct. If, however, impeachment is the only alternative available to Congress to register its opinion on every occasion of Presidential wrongdoing, then the threshold for impeachment will fall too low. Although the Constitution remains silent on the issue of censure, Constitutional scholars generally agree that Congress can do what it wants as an alternative to impeachment, so long as we do not cross the lines that separate the three branches of government. In fact, by a margin of nearly four to one, the 18 Constitutional experts called as witnesses by both the Republicans and Democrats before the Judiciary Committee agreed in writing that the Constitution does not prohibit censure. Finally, the argument ignores the fact that Congress has been censuring Presidents for more than 150 years, including Presidents Jackson, Tyler, Polk, and Buchanan.

CONCLUSION

Based upon any fair reading of the Constitution, nothing in this case justifies overturning an election and removing our President. Instead, it is time to put the turmoil of the last eleven months behind us. The President misled his family, his friends, his colleagues, and Congress. He also dishonored the office the American people entrusted to him. For this inappropriate and disreputable behavior, we need to admonish the President, but not punish the Nation. The American people should not have to endure a Senate trial about Presidential offenses that did not subvert the government.

Mr. Speaker, we should vote today to end this impeachment charade. We need to move forward and address the Nation's real priorities. We should give the people what they want a Congress focused on governing the country and working with the President to address the pressing challenges of our time. We should also begin to forgive. Congressional censure will accomplish all of these goals. For these reasons and others, I will oppose these articles of impeachment, but support sensible efforts to censure the President.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Every witness who appears before a grand jury has three options, count them, three, and only three. The witness can tell the truth, the whole truth, and nothing but the truth, so help them God; they can assert a constitutional privilege against self-incrimination; or three, they can lie, they can mislead, and they can tell untruths.

Despite being offered yet a fourth option, President Clinton chose option

three. He lied. He misled. He told untruths. Even being afforded the unprecedented fourth option of submitting for the record a statement and referring to it some 19 times as opposed to answering questions truthfully and fully, the President's grand jury testimony on August 17, 1998, was replete, that is full of, lies, untruths and misleading statements; misleading in that he never admitted the truth of his relationship with a subordinate government employee; perjurious in that he refused to admit having taken steps to suborn perjury, that is, to cause Monica Lewinsky to testify untruthfully and in a misleading way before the court in the Paula Jones case; perjurious, misleading and untruthful in that he refused to admit the fact that, in return for her testimony or her silence, he sought the services of Vernon Jordan to provide a job, to find a job, to buy the silence of Monica Lewinsky; perjurious, misleading and false in that he refused to admit on a pattern of activity designed to thwart justice and keep the grand jurors from learning the truth about this relationship arising out of a civil rights case. That is Article I.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Speaker, the opposing side has made a point that Ms. Lewinsky said that the President never specifically told her to lie. Yet they had engaged in a very clear cover story for a number of months in terms of how she had access to the President when she was an intern and later from the Pentagon.

Also, I would point out, while he may not have specifically told her to lie, which is very uncommon in the area of criminal law, there are other ways to get that point across. While the President did not expressly instruct her to lie, according to Ms. Lewinsky, he did suggest misleading cover stories. And when she assured him, now this is a 22-year-old girl, when she assured him that she planned to lie about the relationship, he responded approvingly.

On the frequent occasions that Ms. Lewinsky promised that she would always deny the relationship and always protect him, for example, the President responded, in her recollection, that is good, or something affirmative, not do not deny it. And once she was named as a possible witness in the Jones case, according to Ms. Lewinsky, the President reminded her of the cover stories.

After telling her that she was a potential witness, the President suggested that if she was subpoenaed that she could file an affidavit to avoid being deposed. He also told her that she could say that she was working at the White House and she delivered letters to him and after leaving the White House, she sometimes returned to see Ms. Currie.

In the grand jury testimony of the President, he acknowledged that he and Ms. Lewinsky ''might have talked about what to do in a nonlegal context to hide their relationship'' and that he ''might have said'' that Ms. Lewinsky should tell people that she was bringing letters to him or coming to visit Ms. Currie. But he also stated that he never asked Ms. Lewinsky to lie. I think that is a classic example of the parsing of words that we have seen throughout this case.

Let me add a word about the materiality issue of these statements. Those argue that the perjury cannot be prosecuted since the underlying case has been dismissed. That is simply not the rule.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, the gentleman from Georgia unintentionally has misled this House. The President admitted before the grand jury of an inappropriate relationship. He stated that clearly and unequivocally he did not want to get involved into the salacious details.

At the same time, my friend from Tennessee (Mr. BRYANT) knows that the job search began months before Ms. Lewinsky was ever considered a witness in any proceeding.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. RUSH).

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

Mr. RUSH. Mr. Speaker, the partisan politics being carried out by the Republican majority is a travesty being inflicted upon the American people. The Members of this Congress must not forget we were chosen by the people to serve all the people.

Like never before, I have heard from senior citizens, the poor, and the working class who have flooded my office with a steadfast refrain against these articles of impeachment. They have overwhelmingly supported and resoundingly pledged their support to President Clinton. These people have spoken.

The very fact that we are debating articles of impeachment flies in the face of the will of all the American people. The pompous and elitist conduct of the Republican Party is clear evidence of the lack of concern for the welfare of our Nation. President Clinton has served as a ray of hope for forgotten Americans.

As a consequence, this President continues to be bludgeoned by the Republican leadership because of his relationships with minorities, the working poor, and the disenfranchised of our Nation, the very people who serve no useful purpose vis-a-vis the Republican agenda.

Mr. Speaker, this is wrong, wrong, wrong. It is the wrong way. It is the wrong day. And it is the wrong play. I plead with the Members of this House to vote against this atrocious and unconstitutional measure.

TYRANNY OF THE MAJORITY

Tyranny of the majority was one of the most profound fears of our founding fathers. This was the driving impetus behind the framing of the constitution. The structure of our Congress is designed to ensure that the interests of all citizens are given ample weight in the deliberation of national affairs. The American people have made it clear that they do not approve of the partisan witch hunt that is being conducted by the Republican majority. The result of the November elections and numerous public opinion polls are proof positive of the public's disdain.

It is sad irony that the very institution entrusted with the welfare of the nation has sunken to a merky depth most find unfathomable. The actions of the Republican majority is in diametric opposition to the will of the American people. This callous disregard for the will of the people is exactly what Hamilton, Jay, and Madison sought to protect against. The conduct of the Republican majority is a casebook example of the abusive, self-absorbed behavior spoken against so vehemently by the Federalists.

HISTORY REPEATS ITSELF

The Gestapo-like tactics employed by the Republican majority are reminiscent of some the darkest chapters in history, as with the Spanish Inquisition and Nazi Germany. The independent counsel law was passed in order to facilitate into possible inappropriate conduct by those entrusted with the resources of the American people. It is this very law that has been used to advance a singular and impure purpose. The resulting report was nothing more than tabloid paid for by American citizens at the cost of approximately $50 million—and rising. It is full of innuendo, rumor, and unproven allegations. The abuse of the independent counsel law is sinister at best. It is this type of behavior that lays the foundation for unchecked, unbridled, and egomaniacal behavior experienced by other nations. The wounds inflicted by such actions remain on the fabric of each of those nations. Must history repeat itself?

TRIAL WITHOUT JUSTICE

The efforts of the Republican party to discredit and smear the President borders on irrationality and absurdity. Their efforts have the likely potential of tarnishing the American psyche for years to come. Since becoming the majority party in Congress as a result of the 1994 elections, the Republican party has repeatedly exploited its position to advance the interests of its party and those sympathetic to its views. The concept of balanced deliberation with regard for the overall good of American people has been lost.

Earlier in this century, the American people experienced a ravaging of our institution of government. Then, as now, the Republican party, proceeded with congressional inquires based upon often shaky, if not completely fraudulent, information. Then the charge was ''communism''. The actions of the Republican majority parallel the reckless and cruel manner in which the McCarthy proceedings were conducted.

As in the beginning of American history, the Salem witch trials demonstrate the tragic consequences of flawed judgment. The toxic accusations of false and self-serving witnesses, puritanical zealots, and various assorted moral arbiters led to some of the most heinous acts in our history.

Unfortunately, the conduct of the Republican majority is exactly that which Madison spoke against. In Federalist Paper No. 57, Madison warned that the ''House of Representatives . . . will have least sympathy with the mass of the people, and be most likely to aim at an ambitious sacrifice of the many to the aggrandizement of the few.'' As the Republican party satisfies its political appetite, the welfare of the people falls to the wayside.

SPINNING ON ITS HEAD

The process by which this impeachment inquiry has been carried has spun the constitutional framework of our nation on its head. The Republican majority has proceeded with an open-ended and arbitrary impeachment inquiry. The behavior of the President, however disappointing, does not rise to the caliber of an impeachable offense. All efforts by Democrats to conduct a focused and fair hearing were spurned. The Republicans have proceeded with callous disregard for the constitutional standards for impeachment. This process is contrary to the constitutional framework upon which our nation is based.

THE WILL OF THE PEOPLE

The partisan politics being carried out by the Republican majority is a travesty being inflicted upon the American people. The members of this Congress must not forget we were chosen by the people to serve all the people. Like never before, I have heard from senior citizens, the poor, and the working class have flooded my office with a steadfast refrain against these articles of impeachment. They have overwhelmingly and resoundingly pledged their support to President Clinton. These people have spoken. The very fact that we are debating articles of impeachment, flies in the face of the will of the all American people.

the pompous and elitist conduct of the Republican party is clear evidence of its lack of concern for the welfare of our nation. President Clinton has served as a ray of hope for forgotten Americans. This President continues to be bludgeoned by the Republican leadership because of his relationship with minorities, the working poor and the disenfranchised of our nation. The very people who serve no useful purpose vis a vis the Republican agenda.

The Republican majority is out of touch with the American people. At a time when our schools rank lower than those of most industrialized nations and the infant mortality rate in some of our major cities is higher than that of some third world countries, the Republican majority has chosen to put vicious partisan politics ahead of the concerns of the American people.

The Republicans will resort to anything to get their way—even shutting down the government, cutting medicare, and eliminating the social safety net of our most vulnerable citizens. This most recent maneuvering is extreme, misguided and vindictive and will only result in a divided America whose government is paralyzed and crippled by a small band of right wing radicals.

This is wrong, wrong, wrong. This is the wrong way, the wrong day, and the wrong play.

I plead with the members of this House to vote against this atrocious and unconstitutional measure.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. BORSKI).

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

Mr. BORSKI. Mr. Speaker, last year this House was asked to set aside partisan interests and to bring to resolution the investigation of the gentleman from Georgia (Mr. GINGRICH).

At that time, we rose above partisan and passionate emotions to produce a just and fair punishment. As Members of Congress, it was our duty to do so. What we are confronted with today certainly deserves no less.

Unfortunately, that bipartisanship is disturbingly absent from our proceedings today. As the people of this Nation cry out for appropriate sanction and closure, Republicans continue to press forth ignoring their voices. They have denied the representatives of the people a vote on censure and will accept nothing less than the fruition of their partisan agenda.

President Clinton's behavior, while reprehensible and indefensible, is not impeachable. His actions simply do not rise to the level of high crimes and misdemeanors. By forcibly suppressing a vote on censure, the majority has coerced this House to choose solely between a political death sentence or total absolution.

Impeaching the President would damage the very foundation of representation upon which our Nation rests. While I truly believe the President's actions warrant punishment, I cannot in good conscience support his removal from office.

Mr. Speaker, I rise today in opposition to the impeachment resolution. The vote before us is the most important that many of us will ever cast.

In my career the only vote of greater importance that I can recall was that giving President Bush the power to enter this nation into the Persian Gulf War in 1991. On that day, I was one of 86 Democrats who proudly joined with Republicans to work in a bipartisan manner to support the actions of the armed forces.

More recently, this House was asked to set aside partisan interests and bring to resolution the investigation of Speaker GINGRICH. Serving on the Ethics Committee was difficult for me personally—the time was one that tested the good faith and will of the House as a whole. At that time we rose above partisan and passionate emotions to produce a just and fair punishment. As members of Congress it was our duty to do so. What we are confronted with today certainly deserves no less.

Unfortunately the bipartisan work and fairness which I have seen prevail when circumstances dictated they must, is disturbingly absent from our proceedings today. As the people of this nation cry out for appropriate sanction and closure, Republicans continue to press forth, ignoring their voices. They have denied the Representatives of the people a vote on censure, and will accept nothing less than the fruition of their partisan agenda.

President Clinton's behavior, while reprehensible and indefensible, is not impeachable. His actions simply do not rise to the level of high crimes and misdemeanors. By forcibly suppressing a vote on censure, the majority has coerced this House to choose solely between a political death sentence or total absolution. Impeaching the President would damage the very foundation of representation upon which our nation rests. While I truly believe the Presidents actions warrant punishment, I cannot in good conscience support his removal from office.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Speaker, I rise today in opposition to this resolution to these articles of impeachment and to these unfair partisan proceedings which deny Members the right to vote on the alternative of a censure.

Mr. Speaker, we are all disappointed in the President's actions. The President himself has admitted that he acted improperly. This debate today, however, is not simply about whether the President did something wrong or even whether he did something illegal. Rather, the issue before us today is what, if any, action Congress should take in response.

Specifically, the Members of the House are being asked whether we believe that President Clinton's actions were so egregious that he should be impeached and removed from office. I do not believe that these misdeeds merit impeachment of the President. Impeachment is a statement by Congress that the President is unable to carry out the responsibilities of his office or that he cannot be trusted to do so.

The Constitution specifies treason, bribery, or other high crimes and misdemeanors as the proper grounds for impeachment. Impeachment by removing the Nation's highest elected official nullifies a vote mailed by the American people.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, with regard to the trustworthiness of the President to continue in office or the President's fitness for office, with regard to Article III of the articles of impeachment, let the facts be known. The evidence before this House indicates that the President engaged in a pattern of obstruction while the Jones v. Clinton case was pending and while a federal criminal investigation into his alleged misconduct was pending in order to thwart those proceedings.

The President encouraged Monica Lewinsky to file a sworn affidavit that he knew would be false in the Jones v. Clinton case. The President encouraged Monica Lewinsky to lie under oath if called personally to testify in the Jones v. Clinton case. The President related to Betty Currie, a potential witness in the Jones v. Clinton case, a false account of events relevant to testimony she might provide in the case.

The President told lies to White House aides who he knew would likely be called as witnesses before the grand jury investigating his misconduct, which these officials repeated to the grand jury, causing the grand jury to receive false information.

The President intensified an effort to provide job assistance to Monica Lewinsky and succeeded in his efforts at a time when her truthful testimony in the Jones v. Clinton case would have been harmful to him.

The President engaged in a plan to conceal evidence that had been subpoenaed in the Jones v. Clinton case.

And the President at his deposition allowed his attorney to make a false representation to a Federal judge in order to prevent questioning about Ms. Lewinsky.

I do not see how anyone, anyone, can deny the seriousness of these charges or the corrupting effect they have on the judicial system of this country if we allow them to go unaddressed.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I wanted to address a couple things that have been raised, first of all that the charges in this case are not specific enough.

The charges are specific. They are detailed. And more importantly, the specific charges are the same as has been followed in previous impeachment inquiries of this House. And also, the report of the Committee on the Judiciary has every page number that is necessary to put the President on notice.

And now materiality. It has been raised that, well, the lies under oath were not material in nature. Judge Wright at the time of the deposition in Arkansas said that the questions were relevant and directed the President to answer those questions. Materiality is determined at the time the questions are asked and not later. And that is the case of United States v. Holly, Fifth Circuit, 1991.

But most importantly, no person should be so above the law that they can determine when they are a litigant in a lawsuit what is relevant and not. The judge must determine that issue.

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Now I want to mention Article IV. Article IV talks about the misstatements, the misleading statements to the United States Congress. We have a pattern here where the President of the United States flaunted the truth seeking process of the civil courts, he flaunted the truth seeking process of the federal grand jury. But I believe what is most offensive in terms of the Constitution is that he failed to provide truthful answers to the United States Congress to 81 questions that were submitted to him. There is a role in the United States Congress in this. We are the charging party.

Barbara Jordan from Texas has been cited, a great lady, and she referred in 1974 the Constitution set up a pattern, that we are the charging body in the House, that the Senate has a role to play. They are the adjudicatory body, and that is important, that distinction. We charge, they try, they cross-examine, they hear evidence.

I have a high standard before I will vote to impeach the President of the United States, but I do remind myself that we have responsibility to charge but ultimately it is the obligation of the Senate to make the determination of the facts.

Ms. LOFGREN. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, the gentleman from Virginia said let the facts be known, so I think it is important that we let the facts be known.

With regard to Betty Currie, she was not a witness in the Jones case, she did not become a witness in the Jones case, she was never a witness in the Jones case. Yet they argue that somehow there is an obstruction of justice with the Jones case. She was never a witness.

With regard to the job search the record could not be clearer that Monica Lewinsky was looking for a job long before December and got a lot of assistance long before December.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BROWN).

(Mr. BROWN of Ohio asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I rise in protest against this unfair procedure, asking for a censure, a vote on censure and against articles of impeachment.

Mr. Speaker, I rise to call on the Republican majority to allow the members of the House of Representatives to vote on censure. The overwhelming majority of American people want this Congress to censure the President, not impeach him.

I support censure not because the President didn't do anything wrong. His behavior was wrong and reprehensible. I support censure because the President's behavior doesn't rise to the level of an impeachable offense as outlined by our Founding Fathers. His actions were private misdeeds that neither subverted the Constitution nor constituted abuse of the power of his office.

I support censure because President Clinton didn't order the break-in of a building. He didn't use the IRS, the CIA, and the FBI against American citizens. And he didn't lie to Congress about selling arms to a terrorist state.

Chairman HYDE allowed a vote on censure in the Judiciary Committee last week. He allowed the members of his committee a conscience vote on censure. We thank him for that. The House leadership must allow a conscience vote for all members on this question.

In 1995, Republicans shut down the government. In 1998, they refused to pass the Patients' Bill of Rights, they refused to pass campaign finance reform, and they refused to pass an increase in the minimum wage. Imagine what will happen next year if the House approves articles of impeachment. With a Senate trial, the people's government virtually will be shut down for another year.

It's time we censure the President and end this process so we can return to the issues that matter most to working people, including reducing prescription drug costs for seniors, protecting our environment, and helping local school districts rebuild their schools.

In their zeal to undo two national elections, the majority has trampled on the notion that this impeachment process should be bipartisan and fair. I urge my colleagues to allow a vote of censure against the President.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT), a member of the committee.

Mr. WATT of North Carolina. Mr. Speaker, as a member of the committee I have had many opportunities to speak on this issue, and I hope to be able to yield back some of my time. But I wanted to express, after hearing the debate today, to my colleagues my deep appreciation to them. I wanted to express that after hearing a good part of the debate today my opinion that the debate has been high quality and civil on both sides, and there are two issues that I think from the debate so far need to be still addressed that I thought might be worthy of talking about.

First of all, is lying under oath a serious offense if it is proven? I think we all ought to acknowledge that it truly is. Does it undermine the rule of law? I think we ought to acknowledge that it does in much the same way that lack of resources that people who come into the court and do not have good legal representation and resources and bias of witnesses undermines the rule of law. Untruths also undermine the rule of law.

But the thing that undermines the rule of law more than any other single thing is a disregard of the law, and I think to get to the real question we need to ask the question is lying under oath impeachable? Because the standard for impeachment is treason. This is not treason. Bribery; it is not bribery or other high crimes or misdemeanors interpreted as crimes against the state, crimes against the government.

So in order for a misstatement under oath to be a crime against the government it would have to be about some operation of the government, not about some sex offense, not about speeding, not about something that is unrelated to the operation of the government.

Finally, does it mean that the President is above the law if he is not impeached? Be clear on it, Mr. Speaker. The failure to impeach does not exonerate the President. He can still be tried as any other citizen in this country. The Constitution specifically provides that. When his term of office is up, if he has lied, if he has engaged in perjury, he can be prosecuted and convicted and sentenced just like any other citizen in this country.

So this whole notion that somehow by failing to impeach this President we place him above the law is just inaccurate.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, there has been a lot of discussion in the last several weeks about this being a vote of conscience over the next 2 days. One of my friends from Arkansas was talking to me a few days ago and said, ''What's all this talk about conscience? You all act like it's something new for the first time.'' He said, ''What the hell, all the other votes you've been doing the last 2 years there?'' Well I think impeachment is a vote of conscience.

Mr. Speaker, my question for this side of the aisle is: What was the decision-making process that led them to conclude that we should not have a censure alternative on this floor? Was it a vote of conscience in their caucus that said we, their Democratic colleagues, should be denied this right? Was it a vote of conscience amongst their leadership which said we, their Democrat colleagues, should be denied the right to vote for the alternative that we prefer?

As my colleagues know, I am a doctor. I had the opportunity to dig around in people's bodies and cadavers in anatomy lab. I have looked for the conscience in a cadaver, it is not there. I have decided the last few days perhaps it was a Democratic cadaver I had who did not have a conscience. Well, I cannot believe that is true. We also have a conscience; everybody in this body has a conscience. We would like their process that they all control to give us the same opportunity they have.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SANCHEZ).

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

Ms. SANCHEZ. Mr. Speaker, I rise today with great sadness. My heart is heavy because I know what it is like to be the target of a blatantly partisan investigation. Remember, I spent the first year and a half here defending my congressional seat from a very partisan investigation over the outcome of my election. They tried to undo that election, and now they are trying to undo the President's election.

But an overwhelming majority of Americans want this President to stay, and I can only echo my colleague and friend, the gentleman from Georgia (Mr. LEWIS), when he says, ''Beware the wrath of the American people, beware. You will have only yourselves to blame when Americans rise up and hold you accountable for what you are doing today.''

What is going on is unbelievable. Make no mistake about it. This is a partisan effort to remove the duly elected President of the United States from his office. One can only fear the harm that they are doing to the presidency today. Every American should be very concerned about the wisdom of impeaching our President without bipartisan support.

Mr. Speaker, I am sad today because I know that in 20 years from now we will look back and say that we have weakened our Constitution and we will be remembered for failing the American people.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, there have been many who have come to the well today and they have been requesting that this body take up the issue of censure of the President. As my colleagues know, it would be nice, I guess, if we could take the easy way out, cut and run, but we cannot do that, nor can Congress make it up as we go. I know it is a legal technical term and people do not like lawyerly language, but it is called extra-constitutional. What that means is the Constitution does not specifically provide for censure as an alternative to impeachment.

See, we also, as Members of Congress, took an oath, and it was to defend the Constitution. We have a duty to exercise legislative competence, and we cannot make it up as we go.

President Andrew Jackson, who is known as one of the Founding Fathers of the Democrat Party, he was censured by the Senate. Then there was an election, and then the next Senate, they expunged it from the record. President Jackson, I will repeat, his own words shed great light on this challenge we have today, and he penned this over 150 years ago. President Jackson wrote that the very idea of censure is a subversion of the powers of government and destructive to the checks and safeguards of governmental power. President Jackson rightly claimed that censure was wholly unauthorized by the Constitution and is a derogation of its entire spirit. See, for us to make it up as we go, to cut expediently and to censure the President, we cannot make it up, it is not constitutional.

Then what we did in the Committee on the Judiciary, a censure was offered. So we specifically looked at the language which was offered. They said, ''Well, we can do it.'' No, they cannot do it because now it is unconstitutional because it violates what is called the bill of attainder. Congress cannot set as a legislative body an act as a judicial body and put someone on trial and have findings of guilt and punish him. That is what the censure does. We cannot do it. It is extra-constitutional, and it is unconstitutional in its form as offered.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, with regard to the obstruction of justice, Article III, and the charge of suborning perjury or witness tampering with regard to Betty Currie, everyone here should understand that the issue is not whether or not Betty Currie was a witness. In fact, the law is very clear on that point. Title 18, Section 1512 of the United States Code with regard to witness tampering says that for the purposes of this section an official proceeding need not be pending or about to be instituted at the time of the offense, and the courts have been clear on this. In United States v. Radolitz the Court said the most obvious example of a Section 1512 violation may be the situation where a defendant tells a potential witness a false story as if the story were true, intending that the witness believe the story and testify to it before the grand jury.

So the issue was what did the President think was likely to occur with regard to Ms. Currie, and in point of fact she later was called as a witness, and in a civil deposition he referred to her time and time and time again. So it is clear to me that he thought she likely to be a witness when he suggested to her that Ms. Lewinsky had come on to him, when he suggested to Ms. Currie that they were never alone, all of these statements intended to influence Ms. Currie's future testimony.

With regard to the issue of Ms. Lewinsky's employment, the question is whether the President's efforts in obtaining a job for Ms. Lewinsky were to influence her testimony or simply to help an ex-intimate without concern for her testimony. The fact of the matter is the President assisted Ms. Lewinsky in her job search in late 1997 at a time when she would have been a witness harmful to him in the Jones case were she to testify truthfully.

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The President did not act halfheartedly. His assistance led to the involvement of the Ambassador to the United Nations, one of the country's leading business figures, Mr. Pearlman, and one of the country's leading attorneys, Vernon Jordan.

I would suggest, Mr. Speaker, there is no coincidence between the fact that Ms. Lewinsky signed the false affidavit on the same day or the day after she received a job in New York.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. BARRETT), a member of the committee.

Mr. BARRETT of Wisconsin. Mr. Speaker, this body has praised individuals, it has commended individuals, it has criticized individuals. No one gets upset about that. People on this side of the aisle have offered motions to censure individuals. Not the President. So the only reason we are hearing that the censure is extra-constitutional is because it is based on the fear, the well-founded fear, that it would pass.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman's comments from Indiana are absolutely without merit. Nowhere in the Constitution does it say censure is prohibited. If that were the case, we would not have postal stamps, we would not have education, we would not have Social Security.

We are not suggesting a bill of attainder, restraining the liberty and the property of the President. It is not unconstitutional. What is unconstitutional are the articles of impeachment that have no facts at all, but the censure is constitutional.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would appreciate it if Members would abide by the time constraints that are allowed by the managers on each side.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the committee.

Mr. DELAHUNT. Mr. Speaker, I think it is important to put on the record in response to my friend from Virginia (Mr. GOODLATTE), Ms. Currie appeared before the grand jury on eight different occasions. On each occasion, she testified that in no way was she pressured to make any statement exonerating the President of the United States.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

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

Mr. BERRY. Mr. Speaker, I stand here tonight without reservation, I am against this impeachment. It simply does not rise to the level that the Constitution requires. It is unfair, it is partisan, and it mocks fair play. We should not do it.

For the good of this country, this partisan insanity must end.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. BLAGOJEVICH).

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

Mr. BLAGOJEVICH. Mr. Speaker, 2 years ago I walked into this Chamber with awe. As the son of an immigrant, I was raised to believe in the majesty of our democracy, and this is the citadel of that democracy.

Today we are on the verge of weakening our democracy by abusing the most extraordinary tool our Constitution affords us. Most constitutional scholars and most of the American people simply do not believe that the President's offenses, as bad as they are, rise to the level of impeachment; yet we are about to set a dangerous precedent where future Congresses will use impeachment as a tool of political destruction and not as the intended remedy for the grand abuse of power.

If we proceed down this road, this Congress will forever be remembered not for defending the rule of law, but for defiling our Constitution. I ask you to look around and consider the weight of history all of us in this Chamber bear. Before you degrade the world's greatest democracy, I ask you, I implore you, to please change your course.

About 2 years ago, I walked into this chamber with awe.

As the son of an immigrant, I was raised to believe in the majesty of our democracy.

And this is the citadel of that democracy.

I reflected on the brilliant, courageous leaders who crafted our constitution, and those who followed them, here in this Chamber—men and women of vision and judgment who have guided our Republic through good times and bad, informed by the precepts of our Founding Fathers.

Today, I fear we are on the verge of sullying their work and their memory, and weakening our democracy, by abusing the most extraordinary tool the Constitution affords us.

It has been said over and over and over again, and we all agree, that the President's behavior in this matter was indefensible. He misled the American people, his Cabinet and staff, to cover up an affair.

But most of the scholars we've heard from—and most of the American people—simply do not believe that his offenses rise to the level of impeachment.

Nonetheless, the majority is poised to proceed, without ample cause or national consensus, to put us through a wrenching trial, for the apparent purpose of unseating a President they could not defeat at the polls.

We are setting a precedent that will embolden future Congresses to use impeachment as a tool of political destruction, rather than the remedy for grand abuses of power it was meant to be.

If we proceed down this road, this Congress will forever be remembered, Not for defending the rule of law, but for defiling our Constitution.

I ask you to look around, consider the weight of history all of us in this Chamber bear.

Before you degrade the world's greatest democracy, whose ideals have attracted millions of immigrants to our shores, I ask you to change course.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. TIERNEY. Mr. Speaker, the easy way out is not an avoidance of a censureship motion. That is the way to end the partisanship here. The correct way, the way to show some fairness, is to allow a vote on censure; not to make some excuse that because it is not mentioned in the Constitution, we cannot have that vote.

Take the weight of conscience out. Do not deprive our right to vote our conscience so you can ram something through here. Spare us all the righteous condemnations, spare us all the assertions of your desire to uphold the rule of law, and do a fair act here; put on this floor a motion for censure, because certainly the fact that the conduct of the President is not impeachable does not mean it is being condoned.

We have an argument here that he can stand for trial if it is decided that is what should be done after he gets out of office, and we do not need impeachment to teach our children the difference between right and wrong. Do not sell our parents short, do not sell our children short, do not sell the minority here short and do not sell the American people short. Give us the right, give us the fairness of a vote on censure, so the American people can have their way.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MCDADE), the dean of the House Republicans, who is retiring this year.

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

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

Mr. Speaker, I rise in support of the pending resolution.

Mr. Speaker, these votes on the question of impeachment are difficult ones for all of us. And my view of this sad situation is colored somewhat by my personal knowledge of how prosecutors and investigators can unfairly target and charge a citizen.

But after reading the report of the Judiciary Committee, it is conclusive to me that the President violated his constitutional oath to the people of the United States. He did so by intentionally misstating the facts in sworn testimony, repeatedly. Likewise, he violated his oath by perverting the system of justice, by concealing evidence and attempting to influence testimony, and by refusing to answer forthrightly the legitimate questions of a congressional committee.

However, I am gravely concerned about the tactics used by the Independent Counsel in this matter regarding the President. I am equally appalled by the tactics of another independent counsel in the case of former Secretary of Agriculture Mike Espy. Mike Espy, in the read world, is now known as 'former Agriculture Secretary Mike Espy.' But Prosecutor Smaltz is still Prosecutor Smaltz—for bringing a false case the prosecutor suffers no loss of position, no penalty for his misconduct while his target loses his job and his good name. The prosecutor is unaccountable.

These independent counsels are doing nothing out of the ordinary when they intimidate witnesses or engage in other unfair tactics. The tactics used by independent counsels are the same tactics used by regular federal prosecutors every day against American citizens. The U.S. Department of Justice fights any attempt to bring accountability, to bring oversight, to punish prosecutors who engage in misconduct.

Repeatedly, these tactics are given the seal of approval by the U.S. Department of Justice. Nobody at the Justice Department raises any question about this type of conduct, which violates the Constitution. In my opinion, they contort the basic intent of the Constitution, which is to ensure the freedom of every citizen in this country.

Earlier this session, I tried to pass legislation to reform the Department of Justice as it conducts its daily operations. I believe the need is clear—just look at the normal investigative techniques used every day in this country by not only independent counsels, but by all federal prosecutors. They cry out for attention, because they threaten the liberty and constitutional rights of our citizens.

In carrying out their mission, overzealous prosecutors violate the rights of far too many

of our citizens. They represent a rogue element within the larger group of law enforcement, they must be curtailed. Their powers are enormous, then conduct unaccountable, and their victims are the constitutional rights of our citizens.

In 1940, then-Attorney General and future Supreme Court Justice Robert H. Jackson warned of the dangers of placing too much unaccountable power in the hands of a prosecutor. Anyone who reads his statement should be deeply concerned about liberty in our country. Listen to just two sentences:

With the law books filled with a great assortment of crimes, a prosecutor stands a fair chance of finding at least a technical violation of some act on the part of almost anyone. In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work to pin some offense on him.

That alert, given in 1940, should be regarded as a bright danger signal in 1998. For the number of laws and regulations on the books have increased a thousand-fold. And as they have grown, so does the danger Jackson warned us about.

Today, an overzealous and unaccountable prosecutor can target and charge citizens on a huge variety of technical and substantive violations of law. The power they unleash is beyond description. The effects on a citizen of our country are ruinous.

Legislation which I offered (H.R. 3396 and the House overwhelming passed as part of the Commerce/Justice State appropriations bill on August 5 would have reined in the abuses of these overzealous prosecutors. Before and after passage of the bill in the House, the Department of Justice lobbied intently against it. And my question is, why?

Title I of my bill requires the lawyers at the Department of Justice to abide by the ethics law which govern the actions of all other lawyers. The Department vehemently argued the need for their self-proclaimed exemption from ethics laws. They were opposed by the chief justices of all 50 states, the American Bar Association, and every professional group which took a position. Standing alone in favor of their own ethics exemption was the Department of Justice. Their position was resoundingly defeated in a House vote.

Title II of my bill set a series of bright lines and prohibited DoJ personnel from crossing them. It also offered for the first time a remedy for a citizen aggrieved by untoward conduct by the Department of Justice. and conduct proscribed by the Act—such as withholding evidence that would exonerate a person, altering evidence misleading a court—was clearly stated. The Department of Justice intensely lobbied against this section of the bill. In the House, the Department's effort was in vain, as once again, the ''people's branch'' overwhelmingly voted for a newly-stated ethic. But the Department was successful in recoving Title II in a conference with the Senate.

Again, the question—why the white-hot lobbying effort to defeat it? Why would they oppose simple codes of punishable instances of prosecutorial misconduct? It seems so self-evident that these codes are basic to the constitutional protection of every citizen. Why would they oppose and lobby so intensely? It may be because of the provision in Title II which begins a system of accountability—real accountability with an independent review of instances of prosecutorial misconduct.

Much remains to be done in an area of grave consequences. While I am grateful that Title I of my bill survived in the omnibus appropriations conference, our nation also needs Title II to bring accountability to the Department of Justice. It is my hope that the 106th Congress will continue the work we started this year, to safeguard our citizens from prosecutorial misconduct.

Mr. SENSENBRENNER. Mr. Speaker, I yield two minutes to the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Speaker, David Schippers, Chief Investigative Counsel for the Committee on the Judiciary, lifelong Democrat and former head of Robert F. Kennedy's Task Force on Organized Crime in Chicago, summed up the one thought that I would like to contribute to this debate. He said before the Committee on the Judiciary, ''The principle that every witness in every case must tell the truth, the whole truth and nothing but the truth is the foundation of the American system of justice, which is the envy of every civilized Nation. If lying under oath is tolerated and when exposed is not visited with immediate and substantial adverse consequences, the integrity of this country's entire judicial process is fatally compromised and that process will inevitably collapse.''

I met with Mr. Schippers in the Ford Building this afternoon and became all the more convinced on the need to do something about this principle that he talked about. For those of you in search of a censure, I have come to believe that the constitutional way in which you bring about censure is by sending articles of impeachment from the House to the Senate that go nowhere.

But whether the Senate convicts or not, I think we have to get at what Mr. Schippers was talking about, because, if not, we leave in place one of two very cancerous thoughts. The first would be the President lied, I can too. If people come to believe in a municipal court, a state court, a district court, that when they raise their right hand and promise to tell the whole truth and nothing but the truth, that they can do otherwise, we will have substantial harm to our judicial system.

The other cancerous thought would be I do not know if he lied, but we have two different systems of justice; one for important people like presidents, another one for the rest of us. If we let either of those two thoughts grow, cancerous thoughts grow, we will have substantial harm to our system.

Scott Peck wrote a book several years ago called ''The Road Less Traveled.'' He talked about how often the right road was the hard road, and, therefore, the less traveled road. I think we are on that road tonight, and encourage a vote on impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield two minutes to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, the very first thing I want to do is recognize and salute the members of the Committee on the Judiciary and the staff for the very difficult and courageous work that they have done.

After a thorough review of the record, careful deliberation and a great deal of very painful soul searching, I have reached the conclusion that President Clinton lied under oath and encouraged others to lie under oath in a Federal Court proceeding. He has thereby violated his fundamental constitutional responsibility to take care that the laws be faithfully executed. That, in my opinion, is grounds for the President's resignation, but it is also grounds for his impeachment under the first three articles reported out by the Committee on the Judiciary.

Impeachment is essential to preserving the rule of law because, under our Constitution, a sitting President cannot be indicted for crimes. The only way to make him subject to the law and preserve the rule of law is through the process of impeachment.

More importantly, if the President can distort the truth, break the law and avoid accountability, what are the consequences for our Nation? Do we want to establish the precedent that presidents may with impunity hold the law in contempt? How can we expect anyone who is subpoenaed to court to have to tell the truth, when the head of our government has not? In my opinion, such conduct would invite the abdication of morality and accountability and it would breed contempt for the law.

This truly is a vote of conscience. In a sense, it is a rare opportunity to put principle over politics. As George Washington said, let us look to our national character and to things beyond the present period. We are duty bound by our solemn oath of office to defend our country and the common commitment to its political principles, the Constitution, the rule of law, the right-to-life, liberty and the pursuit of happiness, that unites all Americans. We cannot, we must not, fail in this duty.

For the sacred purpose of preserving the rule of law and the integrity of our Constitution, I will vote to impeach William Jefferson Clinton, and I urge my colleagues to do so.

Ms. LOFGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. MALONEY).

(Mr. MALONEY of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in opposition to the pending resolution.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, again, for the record, I think it is important

to note in terms of the constitutionality of censure that no less a figure in our history than Abraham Lincoln, the father of the Republican Party, supported a House resolution condemning President Polk for unnecessarily and unconstitutionally starting a war with Mexico.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise against the articles of impeachment.

Mr. Speaker, the articles of impeachment referred to the House by the Committee on the Judiciary Republicans are the product of a partisan hearing process, a very unfair process. The majority party is obsessed with destroying this President. I think it is because he represents the American people's view; not the elitist view, but the people's view. We have called this House the People's House, and, time after time after time, I have seen these Republicans stand and ignore the people.

It is unfortunate that we have come to this time, because it is clear, I have listened all day, and all I have heard are excuses trying to back up why they want to destroy this President. We have spent $40 million of the taxpayer's money for the Republicans to be able to say ''gotcha.''

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

(Mrs. CAPPS asked and was given permission to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today with a heavy heart. I oppose the impeachment of the President of the United States. I support censure. We all know that the President's conduct was despicable. He should be punished. I am deeply disturbed that we will not even consider a bipartisan motion of censure. I am being denied the opportunity to vote my conscience and adequately represent my constituents. This is terribly unfair.

The question before us is whether the President's conduct was impeachable. I have concluded that his misdeeds do not constitute high crimes and misdemeanors. Impeachment is not meant to punish a President, but to protect the Nation against the abuses of power that would undermine a system of government.

We simply must not impeach the President under this partisan, unfair process. Let us censure the President, put this chapter behind us and move on to heal the divisions in our Nation.

Mr. Speaker, I rise today with a heavy heart. Never did I imagine that I would have to cast a vote whether or not impeach the President of the United States.

Tomorrow I will vote against the four articles of impeachment.

Instead, I favor censuring the President.

The resolution offered by the Judiciary Committee minority, which strongly condemns the President's behavior, would permanently and officially record the shame he has brought upon his office.

A Congressional censure is not a trivial slap on the wrist; it is a powerful, historic punishment.

I am deeply disturbed that a censure resolution will not even be brought to this Floor for a full and open debate.

The will of the American people is being callously ignored by this patently unfair and starkly partisan process.

Without the option of censure, not only am I being denied the opportunity to vote my conscience, but I am prevented from adequately representing my constituents.

I have not made these decisions lightly. But I have made them resolutely.

The question before us today is not whether the President's misconduct was immoral and despicable; of course it was.

The question is not whether his behavior was criminal; that could be decided in a court of law.

The question is whether his actions are impeachable. After reviewing the evidence presented by the Judiciary Committee, I have concluded that they are not.

The impeachment clause was not drafted as a means to punish a President. It was not even designed to teach our children a lesson in morality.

Instead impeachment is intended to protect our constitutional system of government. It is meant to protect the nation against Presidential abuses of power so great that they undermine the security of the nation.

President Clinton's misdeeds, his lies, even his crimes, do not threaten our democratic system. His wrongdoings stem from private matters, not affairs of state. They do not rise to the level of impeachable high crimes and misdemeanors.

While opposing impeachment, I feel strongly that the President must not escape punishment. A formal bipartisan Congressional censure is punishment that fits the crime.

Mr. Speaker, it is time to bring this sordid chapter of American history to a close.

The President deserves to be censured.

The constitutional threshold of impeachment must be upheld.

A President twice elected by the people must not be thrown out of office without ironclad justification.

And we should not impeach the President of the United States on a narrow, partisan vote.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, this institution is failing to live up to its responsibilities, just as surely as the President has failed to live up to his, and the House's failure may well do the more lasting damage to our Constitution. Where there should be an extraordinary effort to work across party lines and find a consensual basis for action, I see a hard charging majority bringing articles of impeachment to the floor on a strictly partisan basis. Where there should be scrupulous attention to the constitutional and historical basis for impeachment, I see a cavalier willingness to define impeachment down to get a favorable vote, in disregard of what the framers intended.

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And where there should be assurances that this is a vote of conscience, I see a cynical and unfair manipulation of the rules to deny Members the right to vote on a motion of censure and to tilt the outcome in favor of impeachment.

This shuts off consideration of the most appropriate sanction under the Constitution for the behavior we are considering. It denies many of us the right to vote our consciences on the most serious question we are ever likely to face as Members of this body. It is manipulative, it is cynical, it is unfair. It is as though the Republican leaders of this House have set out to confirm all of the worst suspicions Americans have about politics and politicians.

Mr. Speaker, this House is on the brink of a historic and tragic failure. I beg my colleagues to take heed.

Mr. Speaker, who among us would have thought when we ran for office or when the 105th Congress began, that this is where it would end?

For the second time in the 209-year history of this republic, we are debating articles of impeachment of a president on the House floor. This is likely to be the most important vote any of us will ever cast. The judgment of history should weight heavily on our minds.

What has brought us to this point? The reckless, irresponsible behavior of the president and his efforts to cover up that behavior, even when he was sworn to tell the truth. Many legitimate and troubling questions have been raised about the way the independent counsel and those working with him pursued this case, but this case is inescapably about the president and his behavior, which violated basic moral standards and is deserving of condemnation and reproach.

That is not the end of the matter, however, for this case is also about us, as members of the House of Representatives. We have had this matter thrust upon us, and we must determine how to hold the president accountable in a way that is faithful to the Constitution, to the best interest of our nation, and to the people we represent. I say to my colleagues in all earnestness that we risk failing in this solemn task in a way that posterity will judge most harshly. Many have rightfully described this as a sad time. But despite the circumstances that have brought us to this point, I believe we could discharge our duty in a way that would uplift our nation and instill confidence in our people. Unfortunately, that is not what I see here today. I fear that this institution may fail to live up to its responsibilities as surely as the president has failed to live up to his. And our failure, if we go down the path the Republican leadership is attempting to drive us, may well do the more lasting damage to our Constitution and our system of government.

Where there should be, in a matter of such gravity, an extraordinary effort to work across party lines and to find a consensual basis for

action, I see a hard-charging majority whipping its members into line, and bringing articles of impeachment to the floor after committee approval on a strictly partisan basis.

Where there should be scrupulous attention to the constitutional and historical basis for impeachment, I see a cavalier willingness to ''define impeachment down'' to secure a favorable vote, in disregard of both what the Framers intended in placing this power in the hands of the Congress and the constitutional mischief this action might encourage in the future.

Where there should be assurances that this is a vote of conscience and that members will be given a full and fair opportunity to debate and vote on legitimate and differing proposals for holding the president accountable, I see a cynical and unfair manipulation of the rules to deny members the right to vote on a motion of censure and to tilt the outcome in favor of impeachment.

This rigging of the rules shuts off consideration of the most appropriate sanction, under the Constitution, for the behavior we are considering. It blocks off the most promising possibility for bipartisan accommodation and agreement. It denies me and many like me the right to vote our consciences on the most serious question we are ever likely to consider as members of this body. It is manipulative, it is cynical, it is unfair. It is as though the Republican leadership of this House has set out to confirm all the worst suspicions and fears Americans have about politics and politicians.

And all this is happening at a time when the House ought to be rising to this extraordinary historical and constitutional challenge. It is indeed a sad and anxious time, and we should not doubt that history's judgment not only of the president but also of ourselves hangs in the balance.

In consulting the views of our country's founders, particularly the debate in the Federal Convention of 1787, and the subsequent precedents, I have come to the conclusion that seems to be shared among the vast majority of constitutional scholars: the Framers viewed impeachment of the president as a remedy reserved for protecting our Constitution and system of government from grave abuses that would destroy them.

The records of the Federal Convention make abundantly clear that the assumed grounds for impeachment were treason, corruption, and similar crimes against the state. Some delegates desired to provide flexibility in the grounds for impeachment, while others opposed any impeachment power for the legislative branch whatsoever as a threat to the independence of the executive. As a result, to the specified grounds for impeachment, treason and bribery, were added ''other high Crimes and Misdemeanors against the State.'' (see Madison's ''Notes'' for July 20 and September 8, 1787). The last three words were dropped by the Committee of Style, but with no intent to broaden the application of the terms.

As Alexander Hamilton subsequently wrote in the Federalist (no. 65):

> The subjects of . . . jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust . . . [relating] chiefly to injuries done immediately to the society itself.

Presciently, Hamilton added that ''in such cases there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.''

The one time the House impeached a president demonstrated Hamilton's foresight. I've always heard a great deal about Andrew Johnson: I grew up thirty miles from his home and tailor shop in Greeneville, Tennessee, and I now represent the North Carolina district where he was born. Members would do well to reflect on the circumstances of Andrew Johnson's impeachment and the consequences that flowed from it. Although Johnson was not convicted by the Senate, his impeachment ushered in a period of congressional ascendance and hobbled the presidency into the next century. The republic survived: we were an insular, agrarian nation, less in need of a strong executive than we are now. But while the grounds for impeaching Johnson were closer to the constitutional standard than those we are considering today, history has not judged the perpetrators of Johnson's impeachment kindly.

The profiles in courage in 1868 were not those radical Republicans who pressed for impeachment; it was an easy vote for them, pleasing their political base and promoting their political ambitions. The profile in courage we most remember, in large part because of John F. Kennedy's book by that name, is Republican Senator Edmund G. Ross of Kansas, whose vote prevented conviction by the Senate an who saw his political career ended by virtue of that vote. We would do well on this solemn occasion to recall the example of Edmund Ross and the warning he gave:

> If . . . the President must step down . . . a disgraced man and a political outcast . . . upon insufficient proofs and from partisan considerations, the office of President would be degraded, cease to be a coordinate branch of the government, and ever after subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy.

We have an appropriate alternative in a resolution of censure. I have hear the objection that censure is not constitutional merely because it is not explicitly mentioned in the Constitution. The overwhelming majority of constitutional scholars disagree. The precedents for congressional censure of presidents number at least four. The most frequently cited case is the Senate's censure of President Andrew Jackson in 1834. The House has taken similar action, such as the 1842 report—adopted by a vote of the House—finding that President John Tyler abused his constitutional powers, or the 1848 resolution charging President James K. Polk with starting a war with Mexico in violation of the Constitution. In 1864, the Senate condemned President Abraham Lincoln for unconstitutional acts. Congress has censured civil officers of the United States beginning in 1822 and continuing throughout our history. For Republicans to call censure unconstitutional is simply a smoke screen to cover their cynical and unfair manipulation of the rules to deny members a vote on the alternative which is favored by most of the American people and which is the most appropriate way of holding the president accountable.

Censure opponents also argue that such a resolution would upset the equilibrium of power between the legislative and executive branches. This argument is a breathtaking display of crocodile tears, because these same people are pushing the House toward adoption of articles of impeachment which will weaken the executive far more than any resolution of censure. The Andrew Johnson impeachment shackled the presidency, requiring his successors to seek the permission of Congress to dismiss civil officers and cabinet officials. It was not until the administrations of Theodore Roosevelt and Woodrow Wilson that the office regained the powers enjoyed by President Lincoln and many of his predecessors. In 1885, Wilson described a ''congressional government'' that entered ''more and more into the details of administration until it has virtually taken into its own hands all the substantial powers of government.'' In portraying the approach the majority is taking today, Professor Bruce Ackerman of the Yale University School of Law observed that this ''cavalier approach to the impeachment process would radically change [the separation of powers]. Congress could regularly respond to unpopular decisions by seeking to force the president from office. The result would be a massive shift toward a British-style system of parliamentary government.''

In the long run, history will judge not only this president, but this House of Representatives as well. The articles of impeachment we are about to adopt, and from which I will strongly dissent, are incompatible with the intent of our Constitution's Framers and fly in the face of the convictions of most of our citizens and of our historical experience. The process by which we are considering them is a travesty. It denies to members the ability to vote our conscience and to the minority the right to propose alternative measures. It promotes division where there should be unity, distrust where there should be confidence.

Mr. Speaker, this House is on the brink of an historic and tragic failure. I beg my colleagues to take heed.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BOB SCHAFFER).

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, in the most fundamental terms, what Americans are fighting for today in Iraq is the truth. We fight for the self-evident truths upon which our Founding Fathers launched the greatest Nation on the planet. Yes, our history is replete with examples of our failure to honor the truth. We have abandoned it plenty of times, but we have never lost sight of what is right in the world.

By relying on the protection of divine providence and by renewing of our minds, we have always tried to discern what is the will of God, what is good and acceptable and perfect. We have always been serious about the truth.

Today, there are 115 Americans who are confined behind Federal bars imprisoned by our society, by the law, for failing to tell the truth when it mattered most, when someone else's liberty stood in the balance. Our response has been rather harsh, has it not? In America, we will take away one's liberty and freedom when they lie under oath.

Yes, Mr. Speaker, there are Federal prisoners who today serve as proof of this. How confused they must be. How confused all Americans must be to observe this debate, to hear this Congress

of the United States say nothing of the 115 people in jail sentenced for committing the Federal high crime of perjury. Yet, Members question with passion the merits of applying the same law to the highest ranking public official in America.

On this next point, Mr. Speaker, let us be clear. Our spiritual tradition in America also entails forgiveness. Indeed, the President has asked for forgiveness, and I judge his sincerity to be genuine. As but one American, I forgive him fully. If it is forgiveness the President seeks, I submit it will be freely granted by even the last one of us, but if it is punishment he seeks to avoid, he will be terribly disappointed.

Forgiveness is a sacred quality defining the relationship between individuals. Punishment, in this case, is a civil response to breaking the law. In America, we do both every day, and today should be no exception.

So it is upon that custom that the holder of the office of the presidency should be impeached, to ensure that so long as he adorns the great presidential seal and the hallowed flag of the United States of America, he shall deny justice no more. He shall never lie to us again. That, too, is our solemn responsibility and obligation to the American people.

Mr. Speaker, most certainly at a time when America is called upon to lead the world to crush tyranny abroad, we must take inspiration from our brave soldiers whose courage lights the way of truth and provides hope for those in bondage. I want my children to know that when their father lectures them to tell the truth, he means it. And when this United States Congress considers the rule of law, we are serious. But if we fail in our solemn duty to apply the constitutional law of our country today, please, Mr. Speaker, and I beg my colleagues, do not risk the lives of our soldiers any longer. Let us never call upon them to demonstrate their abundant courage until we resolve to give the same of ourselves.

Mr. Speaker, my precious remarks were trumicated due to time constrains, I hereby submit my full remarks for the RECORD in the proper context.

At this hour, Mr. Speaker, the House has now had under debate, the matter of impeachment for nearly one full business day. All that needs to be said on this subject perhaps has been said.

The Articles of Impeachment have been properly proposed, sufficient scrutiny of the Resolution has been rendered, the evidence before us has been well established, succinctly presented, and not one among us so far has raised credible opposition or challenge to the facts.

To the charges, Members of the House hold differing opinions about a suitable remedy. Most favor impeachment as defined under Article II Section 4 of the Constitution. Others have invented a lesser remedy of ''censure.''

Some demand only a polite tap on the president's shoulder. But no one can deny—that is, without emasculating the English language—that President William Jefferson Clinton lied under oath, committed the high crime of perjury, and maintains, as a prosecutable felon, the office of the Presidency.

And while most of us at this point have solidified and justified the votes we intend to cast in just a matter of hours, I ask my colleagues to consider the explanation of my vote that I have given to my children now at home in Colorado.

I am of the first generation of Americans which has never known the draft. Now imagine that, I've never had to watch my friends or brothers drafted into the nation's defense. I've never had to hear a friend's mother cry upon learning the fatal news of her son. I've never had to live with the anxiety of wondering if, and when, my number would come up. And the thought of my children being called away seems remote even at the present time.

Now that's a powerful statement of freedom, and a powerful testimony to 250 years of colonists, patriots, and American citizens who have defined American valor. And I thank God every day for the liberty I enjoy today. I thank every American veteran, volunteer or otherwise, who has placed his life on the line for my liberty and for that of my children. Today, Mr. Speaker, I'm especially thankful for the fine men and women who are fighting for America, half a world away from us here, this very day, and for all their colleagues who maintain peace everywhere else. They represent the best of America, and they understand what it means to be an American.

America is more than our history. America is more than the flag, more than the Constitution, more than sea to shining sea. America is more than the Supreme Court, more than this Congress—and more than the President of the United States. Actually, America is a concept—and a simple one at that. America is, and has always been about the Truth.

Now there's a concept that has challenged humanity from the Garden of Eden to this very moment, and it will challenge us from here to eternity. In fact, the greatest commandments of all the world's greatest religions are about the Truth. The Almighty knows the heart of all men, and He knows how we struggle, and fail, and struggle again, to honor the truth. I believe He knows we will all fail on occasion, sometimes very seriously, yet He holds out the assurance of His blessings to any man or woman—or Nation—that genuinely seeks the truth.

In the most fundamental terms, what Americans are fighting for today in Iraq is the Truth. We fight for the self-evident truths upon which our forefathers launched the greatest nation on the planet. And yes our history is replete with examples of our failure to honor the truth. We've abandoned it plenty of times. But we've never lost sight of what is right in the world. By relying on the protection of Divine Providence, and by the renewing of our minds we have always tried to discern what is the will of God—what is good and acceptable and perfect.

Yes, the reality of tyranny in Iraq has resulted in human degradation, misery, pestilence, and death, and that's what prompts our action in that region today. While soldiers, sailors, and airmen risk their very lives for Life, Liberty, and other self-evident Truths in the Persian Gulf, don't you think we owe them the same kind of courage here at home—to reaffirm that the Declaration they defend is real, that America will not be led by false witness, but by the same truth that sets us apart from the rest of the world? Life, Liberty, and Pursuit of Happiness are the pillars of humanity, and to those truths we have pledged our lives, our fortunes, and our sacred honor. And when we fail, we repair ourselves by fixing our bearing upon what we know to be right, not in some errant direction.

We have always been serious about Truth. Today, there are 115 American citizens confined behind federal bars, imprisoned by our society—by the law—for failing to tell the truth when it mattered most—when someone else's liberty stood in the balance. Our response is rather harsh isn't it?

In America, we will take away one's liberty and freedom when they lie under oath. Yes my colleagues, there are federal prisoners in federal prison today who serve as proof of this. Perhaps some of them are observing this debate from their cold jail cells. How confused they must be. How confused my children must be. How confused all Americans must be, to observe this debate—to hear the United States Congress say nothing of the 115 people in federal jail, sentenced for committing the federal high crime of perjury—yet Members question with passion the merits of applying the same law to the highest ranking public official in America.

I cannot recall one Member objecting, on this floor, to the separation of liberty from a single felon convicted of perjury. No speeches fill our Journals, no entry, no extension or remark in the Record. Yet we agonize over the disposition of one Mr. Clinton and his relation to the highest office in the land.

Mr. Speaker, unless any single opponent of today's Resolution has risen to the defense of a single convicted, jailed perjurer in this House—they may all be regarded by their countrymen, with plausibility, as hypocrites.

My concern is not for the comfort of felons, but for their souls nonetheless. Because we believe the rule of law to be so essential in America, we should insist it be applied fairly to the least and greatest among us, and with blind justice.

On this next point, Mr. Speaker, let us be clear. Our spiritual tradition in America also entails forgiveness. Indeed, the president has asked for forgiveness, and I judge his sincerity to be genuine. As but one American, I forgive him fully. If it's forgiveness the president seeks, I submit it will be freely granted by even the last one of us, but if it's punishment he seeks to avoid, he will be bitterly disappointed. Forgiveness is a sacred quality defining the relationship between individuals. Punishment, in this case, is a civil response to breaking the law. In America, we do both, every day, and today should be no exception.

Criminal punishment is about public safety and social order. The reason we incapacitate law breakers is to shield society from an offender's propensities and to ensure the unmolested liberty of law-abiding citizens.

And so it is upon that custom that the holder of the office of the Presidency should be impeached—to ensure that, so long as he adorns the great presidential seal and the hallowed flag of the United States of America, he shall deny justice no more, he shall never lie to us again. That too, is our solemn responsibility and obligation to the American people.

This is a profound matter which must be resolved now. Mr. Speaker just yesterday, our

allies in the British House of Commons took to their Chamber to affirm England's commitment to use of military force in Iraq. One Member of Parliament sharing Mr. Clinton's own political philosophy, said, ''We're not being led into battle by Richard the Lion-Hearted, but by Clinton the liar. I am disheartened.''

Mr. Speaker, my children deserve a president who commands respect in the great halls of democracy around the world, especially among our diplomatic partners. My children deserve a leader whose commitment to his oath is an international bond spanning the widest oceans.

And Mr. Speaker, most certainly at a time when America is called upon to lead the world to crush tyranny abroad, we must take inspiration from our brave soldiers whose courage lights the way to truth and provides hope for those in bondage, everywhere. I want my children to know that when their father lectures them to tell the truth, he means it and when the United States Congress considers the rule of law we are serious.

But if we fail in our solemn duty to apply the constitutional law of our country today, please Mr. Speaker, I beg my colleagues, do not risk the lives of our soldiers any longer. Let us never call upon them to demonstrate their abundant courage until, we resolve to give the same of ourselves.''

Ms. LOFGREN. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, we stand on the floor of the House in the shadows of 23 men who in the course of human civilization have written the basic principles that anchor American law, the concept of a Nation of laws, not men.

Today, we have been charged with choosing between reaffirming these basic principles, or sacrificing fundamental truths, so that one man can be placed above the law.

I have studied the thoughts of the North Carolinians who helped shape the debate of the ratification of the U.S. Constitution. James Iredell, who later served in the Supreme Court, while debating the impeachment clause before the North Carolina Convention noted that an impeachment clause is necessary because, and I quote, ''If this power were not provided, the consequences might be fatal. It will be not only the means of punishing misconduct, but it will prevent misconduct. A man in public office who knows that there is no tribunal to punish him, may be ready to deviate from his duty; but if he knows that there is a tribunal for that purpose, although he may be a man of no principle, the very terror of punishment will perhaps deter him.''

After reviewing evidence, I support Article I accusing the President of lying before the grand jury, and I support Article III, charging the President with obstruction of justice.

I believe the charges outlined in I and III go to the very heart of our system of justice. John Jay, the first Chief Justice of the Supreme Court, believed that, and I quote, ''No crime is more extensively pernicious to society'' than perjury. If we knowingly allow our President to break laws while some Americans sit in jail for having violated the same statute, we weaken the very rule of law protecting us.

One of North Carolina's most favorite sons, the late Senator Sam Ervin, stated in his last newsletter, and I quote, ''If we seek truth, keep faith and have courage, I have no fear that this Nation can overcome all challenges from within or without.''

Our country is strong. Our Constitution was written with wisdom and grace. Regardless of the outcome of this sad chapter in our Nation's history, I am hopeful that we will live in peace with our conclusion.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, Article II, Section 1 of the Constitution states, ''The executive power shall be vested in a President of the United States.'' Mr. Speaker, a President. Not a prince, not a potentate, but a citizen, a citizen who, like every citizen, must have respect for the rule of law. Mr. Speaker, Article II, Section 4 specifically describes impeachment as the remedy before us.

Mr. Speaker, there is no mention of censure in the United States Constitution, a document of limited and specified powers. To the arguments from the minority side on censure, let me quote a senior member of the Committee on the Judiciary, the gentleman from Massachusetts (Mr. FRANK), in an article appearing in the Boston Globe in March of this year. He was talking about the majority party, and so he offered a pot shot, but listen to the words; I quote them now. ''Faced with a choice, they go for symbolism over substance. That is what censure is.'' The words of your colleague, my friends: ''Symbolism over substance, that is what censure is.''

The Arizona Republic opines:

> Skip the evasions and inventions. If the President lied in his deposition and in his grand jury testimony, and then took pains to cover his tracks and to encourage others to mislead the grand jury, the constitutional remedy is to impeach and allow the truth to emerge in the resulting Senate trial.

The Mesa Tribune editorializes, quote, ''It is a crime to lie under oath, period.''

I take no pleasure in this circumstance, but for those who want to carve out an exception to the rule of law, it is as if we take the scales of justice from the hands of Lady Justice and take off her blindfold and ask her to put an eye on the opinion polls and a moistened finger in the wind.

I rise in support of impeachment with a heavy heart.

Ms. LOFGREN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California, (Ms. ROYBAL-ALLARD).

(Ms. ROYBAL-ALLARD asked and was given permission to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to this unfair process that does not allow me to vote my conscience.

Mr. Speaker, I rise to denounce the unfair process that has brought us to this critical point in our Nation's history.

I am outraged that the Republican leadership will prevent me and my colleagues from voting our conscience on this grave issue, by refusing to allow us a vote on censure, which I believe, is the appropriate punishment for the actions of the President.

In our democratic society what is so frightening is the unfairness of the process that brought us to this point.

The Republican agenda was clearly predetermined.

Even before the hearings began, Republicans were calling for impeachment.

Although not one shred of evidence has been produced to prove the President's actions reached the level of high crimes and misdemeanors, the Republican leadership continues to pursue its goal, not for justice and fairness, but for the removal from office of the President of the United States.

Tragically, these unfair acts that have controlled this entire process, have chipped away at the freedoms of fairness and justice our men and women in uniform are fighting to preserve even this very day.

I still have hope, however, that my Republican colleagues will listen to the American people and change the unfair direction of this process by allowing us to vote on censure.

Ms. LOFGREN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I rise to voice my opposition to this unfair, uncalled-for impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. BARRETT), a member of the committee.

Mr. BARRETT of Wisconsin. Mr. Speaker, several of the previous speakers have said that no man is above the law. I passionately and fervently agree, as do the Members on this side, and that is why our censure resolution specifically states that the President remain subject to criminal and civil penalties after he leaves office. It is important to make that point, because the American people should know that. It is a crime that our censure resolution cannot be heard on this floor.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, Mr. Clinton's personal conduct was wrong, but no amount of outrage or indignation can obscure the fact that the rule of law begins with the reading of the Constitution and a review of the history of the Constitutional Convention debates of 1787, a principle well recognized by every court in our land.

The framers of our Constitution and their forefathers had fled a monarchy and wanted to be sure that the person serving in the newly created position of

chief executive did not usurp his powers and seek to reinstate the unlimited powers of the throne. Impeachment for high crimes and misdemeanors gave Congress the power to defend the Constitution against acts that would destroy the constitutional order or extend the presidential power beyond its defined limits. For other crimes and misdemeanors, the framers chose to again depart from the monarchial tradition and they left the President subject to the same laws and to the same judicial penalties and punishments and protections as every other citizen.

The President is not above the law, and today an independent counsel retains the power to indict the President and try him after he leaves office for any crime he may have committed. My oath of office does not require that I defend the President, but I cannot fail to defend the Constitution.

Under that solemn oath, I cannot vote in the present case to remove the President from office.

In the Sermon on the Mount, Jesus said ''Judge not, lest ye too be judged.'' God forbid that we would judge the President today by any standard other than that set forth in the Constitution. This is the responsibility each of us readily assumed when we raised our right hand and swore to support and defend the Constitution of the United States.

The issue before us it not to be decided by what the polls say or even by what our colleagues say here today. In this moment, every Member must reach deep into their mind and soul and ask ''What does the Constitution say?''

While we may all agree that Mr. Clinton's personal conduct was wrong, no amount of outrage or indignation can be allowed to obscure the fact that the rule of law begins with a reading of the Constitution and a review of the history of the Constitutional Convention debates of 1787. That is fundamental to the rule of law as recognized by the common practice of every court in our land.

I have carefully read the notes and records of the debates of the Constitutional Convention regarding the language of Article II Section 4. The framers were careful to create a system of government with three separate and independent branches of government—none with undue power over the other. They and their forefathers had fled a monarchy and they wanted to be sure that the person serving in the newly created position of Chief Executive did not usurp his powers and seek to reinstate the unlimited powers of the throne.

The clear intent of the impeachment power was to give Congress the power to protect the Constitution and the office of the Presidency from acts that would destroy the Constitutional order or extend the Presidential power beyond its defined limits. For other crimes and misdemeanors the framers chose to again depart from the monarchial tradition and leave the President subject to the same laws and to the same judicial penalties and punishments—and protections—as any other citizen.

Yes, we should severely censure the President as an expression of our collective disapproval of his actions. And we should not forget that the Independent Counsel retains the power to indict the President and try him after he leaves office for any crime he may have committed.

I am not called upon by the oath that I took to defend the President but I must defend the Constitution. Under that solemn duty, I cannot vote in the present case to remove a President elected by the people from the highest office in the land.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in strong opposition to impeachment. I rise in strong opposition to this attempt at a bloodless coup d'etat, this attempt to overturn two national elections. The American people are ahead of the politicians; they are certainly ahead of the majority party. They want censure. Why are we not given the opportunity to vote up or down for censure on the House floor? Why are we not allowed to represent our constituents on the House floor?

No one believes that the President will ultimately be removed from office, so we will have dragged this country through a 6-month trial in the Senate and Bill Clinton will still remain President. What good does that do?

Let us put this behind us with a bipartisan censure. Let us get on with the issues of importance to the American people, such as health care, Medicare, Social Security, education, campaign finance reform.

My colleagues on the other side of the aisle say they have a constitutional duty to move forward. I come from the Bronx, and we talk about street smarts there or a little bit of common sense, and common sense means you do not move forward with blinders on, you do what is best for the country. Please, do not move for impeachment. This will only harm our country that we love.

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Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I believe the President's conduct was wrong, indefensible, and disgraceful, and he should be punished. But after careful review of the four articles of the impeachment and supporting materials and after prayerful deliberation, I must vote against impeachment.

I do support strong censure, which makes clear that the President is not above the law, and remains subject to any penalties of law substantiated by the facts. While I cannot defend the President's conduct, it is my solemn duty to defend the integrity of the Constitution.

The Founding Fathers made it clear in their deliberations that only the most serious offenses against the Republic itself would justify removal from office. Whether or not the facts alleged in support of the articles are true is questionable. None of the testimony given in support of the articles has been subjected to cross-examination. Even if we assume that the allegations are true, it is my judgment that they do not rise to the high constitutional requirements for impeachment.

I urge this body to take a course of action that is justified by the facts, censure, not impeachment. Follow the will of the majority of the American people.

Mr. Speaker, I believe the President's conduct was wrong, indefensible, and disgraceful, and he should be punished. However, after careful review of the four Articles of Impeachment and the supporting materials and following prayerful deliberations, I have concluded that my vote and the vote of the House should be against impeachment of President Clinton. I reached this conclusion for several reasons:

(1) Impeachment sets in motion a process to remove the President from office which could necessarily reverse the result of our last Presidential election and cancel out the wishes of a majority of Americans who cast their votes in that election. The constitutional requirements for impeachment are ''. . . Treason, Bribery, or other High Crimes and Misdemeanors.'' The founding fathers made it clear in their deliberations that only the most serious offenses against the Republic itself would justify removal of the President from office. Whether or not the facts alleged in support of the Articles of Impeachment are true is questionable. None of the testimony given in support of the Articles has been subjected to cross-examination. But even if we assume that the allegations are true, it is my sincere judgment that they do not rise to the high constitutional standards for impeachment and removal from the office of President.

(2) There is unanimity in the Congress and throughout America that the President's conduct was wrong, possibly illegal, immoral and reprehensible. Moreover, it is clear that the people of this country feel the President should be held accountable for the violation of the trust he owes to the American people. However, it is also clear that they want punishment that will fit the offenses. They believe censure is the appropriate course of action. Constitutional scholars who testified before the Judiciary Committee agree four to one that censure is constitutional and appropriate. Those of us who believe in the Judeo-Christian principles of repentance and forgiveness but who also feel compelled to condemn the President's conduct should be allowed to express that as an alternative to impeachment through a vote on censure. Unfortunately, the partisan majority in the House will not allow a censure vote in spite of the strong preference of a majority of the American people.

(3) The principles of the ''rule of law'' and accountability would not in any way be abrogated if the House failed to impeach, voted for censure or did neither. For the President is still subject to indictment, prosecution, trial, and conviction of any possible law violation. He could face imprisonment just as any other

American could, if found guilty. The President is therefore still subject to and not above the long arm of the law.

(4) Finally, I believe that a Senate trial of Impeachment with the attendance utilization of resources would hurt our District by diverting the focus of the 106th Congress from critical issues such as job creation and economic development, farm relief, tax relief, school modernization, Social Security and Medicare solvency, the Patient's Bill of Rights, domestic and international terrorism, defense, crime and drugs, and veteran's benefits. Additionally, an impeachment trial will punish the country by creating instability in our domestic economy, losses for retirees with lifetime incomes invested in the stock market, and job loss and further economic downturn at home.

While I cannot defend the President's conduct, it is my solemn duty to defend the integrity of the Constitution. It is my considered judgment that the integrity of the Constitution requires more than the allegation contained in the Articles of Impeachment. I believe that censure would be a more appropriate course of action. Therefore, I must vote against impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

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

Mr. REGULA. Mr. Speaker, it is with great disappointment in the President that I rise in support of the impeachment.

Mr. Speaker, no one here today is happy about our undertaking. It is a sad occasion, one filled with sincere dismay and concern for the future of our country. And I believe this concern is shared by Members on both sides of the aisle.

After listening to my constituents, considering the Judiciary Committee proceedings, and the responses from the Administration, one thought remained constant. That is the inscription on the mantel of the State Dining Room of the White House. It is the words written by John Adams, the first President to live in the White House, in a letter to his wife Abigail.

I pray Heaven to Bestow
The Best of Blessings on
THIS HOUSE
and on All that shall hereafter
Inhabit it. May none but Honest
and Wise Men ever rule under This Roof.

President Franklin Roosevelt had these words inscribed into the mantel as a constant reminder of the profound responsibilities of its occupants.

Our nation and the freedom it represents—the freedom American servicemen and women are currently protecting—are based on the rule of law. A basic principle on which our system of government rests is that we all stand as equals before the law. If we allow our judicial system to be eroded by not expecting the truth to be told, then we are putting our constitutional system of government at risk.

If our nation is to remain strong, it must be based on a rule of law and a respect for the sacred trust that goes with public service.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG).

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

Mr. KNOLLENBERG. Mr. Speaker, I know a number of Members have had some great difficulty in coming to the conclusion, the struggle to come to a decision. One of those I thought did an outstanding job this evening, the gentleman from Arkansas (Mr. JAY DICKEY), who probably exemplifies greater difficulty than all of the rest of us. So I salute the gentleman from Arkansas (Mr. DICKEY) for those comments.

In my opinion there is no doubt, however, that the President's conduct rises to the level of impeachable offenses. To protect his political livelihood, this President has subverted the rule of law, lied to the American people, and manipulated his staff and members of his cabinet to perpetuate his lies. These crimes are felonies that deserve the most severe penalty provided by the Constitution.

Moreover, recent events have brought into the question the President's ability to lead. I have come to the conclusion that President Clinton does not possess the character or the judgment to occupy the highest office in the land.

This president has violated his oath of office, betrayed the trust of the American people, and demeaned the institution of the presidency. I implore my colleagues to vote for the impeachment of William Jefferson Clinton.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WALSH).

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

Mr. WALSH. Mr. Speaker, today I intend to vote for impeachment based on the careful consideration of the charges, the facts in the case, and many conversations with my constituents in central New York.

My decision to vote for impeachment was difficult, but not on the facts. There is no doubt in my mind that the President lied many times under oath. I also believe beyond a reasonable doubt that he obstructed justice by coaching, indeed, suborning, potential witnesses in the grand jury proceeding.

I further believe that these crimes are clearly serious enough to be grounds for impeachment. Weighing the public discomfort with this constitutional process against the need to defend the rule of law, the scales tip to the truth.

We must not allow the President of the United States to get away with lying under oath. Americans have the right to expect that everyone, even the President, must tell the truth while testifying in court, be it small claims, civil, criminal, or the Supreme Court of the United States.

If the truth is absent, justice cannot prevail for any of us.

Mr. SENSENBRENNER. Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi (Mr. PICKERING).

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

Mr. PICKERING. Mr. Speaker, it is with malice toward none and forgiveness of individual failures, but with a love of the law and our country, I will vote for the articles of impeachment.

Yesterday my fifth son was born. I held before me my legacy. I celebrated his birth. I wondered what country he will inherit. What standard will we set for him, what example today?

For each reaffirmation of the rule of law, we have a new birth of freedom. But if we say with our actions that perjury and obstruction of justice and truth do not matter, then we lose our way. For all of these reasons and more that I will submit for the RECORD, I will vote for the articles of impeachment.

Mr. Speaker, this week has provided me with the full range and intensity of emotions. Today, I mourn—our Nation mourns as we debate the tragic and difficult question of impeaching our President.

Yesterday my fifth son was born and with him all the wonder, amazement and celebration of new life. The doctor allowed me the privilege of actually guiding my child from his mother into this world. I was the first to touch and hold James Harper Pickering.

Whenever we are confronted with the beginning—or the end of life it reminds us of a larger, transcendent force and causes us to evaluate and examine our purpose—our meaning—our legacy.

What will be my son's future, what kind of country will he inherit, what values and standards will guide him, his generation, his future.

In the same way—what guides me in this difficult decision before us today?

In 1963 a young man at the age of 26 won the nomination to serve as a county (prosecuting) attorney in Mississippi's Jones County [from 1964–1968]. On his election day, his son was born.

These were difficult and turbulent days for our Nation and in particular for Mississippi. These were days filled with violence and lawlessness.

In an act that was rare for elected officials at that time—he organized a group of local officials to publicly condemn the Klan violence and intimidation and called upon the community to support the rule of law.

During the trial of Sam Bowers, the imperial wizard of the KKK, for the murder and fire bombing of Vernon Dahmers, this young county attorney testified against Bowers.

He was threatened physically and politically. But he didn't back down from the principle of equal protection for all.

In 1968 he lost his next race.

The polls of that place and time were against him. But, his principles stood the test of time. His courage and conviction give me an example which makes me proud. His legacy guides me today.

For that young county attorney, now a Federal judge—continues to defend the rule of law, administer justice and ensure equal protection for all—he is my father.

As I held my son yesterday—I prayed I would provide him with he same legacy. That

just as our founders and generations since fought to preserve the rule of law and with it our freedom, it is our duty today to honor their legacy. And, for our sons and daughters our obligation to leave them a rich inheritance of which they can be proud.

We must demonstrate that it does not matter if you're a civil rights worker or a working woman—struggling against sexual harassment—you are guaranteed equal rights under our Constitution, the right to a fair trial—free of corruption of perjury, witness tampering and obstruction of justice.

Abraham Lincoln stood at Gettysburg and called for a new birth of freedom. From this tragedy—we can rededicate ourselves to the rule of law and the faith in our country to endure. We can send a message to all the Presidents that will follow, to ourselves and to our children—tell the truth—keep your oath—none is above the law.

It is with malice toward none and forgiveness of individual failures but with a love of the law and of our country, I will vote for the articles of impeachment.

We hold our legacy before us. With each reaffirmation of the rule of law we have a new birth of freedom—but if we say with our actions that perjury and obstruction of justice and truth do not matter then we can begin the long, slow death of our land and law. In the play ''Man For All Seasons'' the following line captures the essence of this debate:

''The laws of this country are the great barriers that protect the citizens from the winds of evil and tyranny. If we permit one of those laws to fall, who will be able to stand in the winds that follow?''

I believe by our action today and tomorrow we can stand in the gap and hold up the barriers that protect us all. Even if the polls of this time may be against us—the principles of this action will stand the test of history.

And as my son holds his son or daughter—I pray, he too will thank those who went before him.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I joined 30 Democrats in casting a controversial vote last month. I voted to send the Starr report to the Committee on the Judiciary without strict time or subject matter restrictions. I was committed to avoiding partisanship. Tragically, however, that effort to advance nonpartisan consideration of this momentous impeachment decision is today rejected.

Three quick points. One, the people's body is denying the people a vote on the alternative they favor, censure.

Two, proportionality demands consideration of the alternative of censure, proportionality in the sense of the offenses alleged and the consequences sought.

Three, my Republican friends, they have even refused to accept the advice of President Ford and Presidential candidate Dole that we proceed with a censure or rebuke alternative. This is a tragic day when this option is denied us.

Mr. Speaker, over the past several months, the news media has inundated us with continuous coverage of President Clinton's conduct. Over the past several weeks, the House Judiciary Committee has held hearings, considered evidence, and debated the merits of impeaching the President. Regretfully, the issue has distracted us from many serious problems that confront our nation and the world. Equally regrettable is the highly partisan nature that has characterized this process.

I have endeavored to avoid this partisanship. Earlier this year I voted for the Hyde resolution so that the Judiciary Committee could consider all relevant information and determine the scope and the duration of its impeachment proceedings. This was a controversial decision; I was only one of 31 Democrats that supported giving the Committee that flexibility.

I took Chairman HYDE at his word that this process would be completed in the House by the end of the year. I was gratified to see that my trust was not unfounded. As the Judiciary Committee votes on articles of impeachment this week, and with votes expected in the full House next week, I am glad to see this frustrating period in the House nearly behind us.

I want to again voice my anger with the President's initial conduct and frustration with his inability to clearly admit the wrongs he has committed and apologize for his deceptions. I believe that elected officials, especially the nation's highest leaders, should observe the highest standards of conduct. Both the President's improper relationship and the subsequent reliance on rigid legalisms in his own defense shows how out to touch he has been with the desire of the American people for honesty and contrition.

Although I was skeptical that the facts as they were known in August and September justified impeachment, I held judgment during the process of investigation and Committee consideration. I did not want to take a position on this important matter without both knowing all the facts and having an opportunity to study the standards and grounds for impeachment in the Constitution and in our nation's history. I also believe that since Congress is charged with acting in a judicial capacity in marking this decision on impeachment, it was important to avoid jumping to conclusions.

Unfortunately, the partisan jabs that seem to characterize the Judiciary Committee's hearings and the expected party line voting gives this proceeding the appearance of politics as usual. If the American people were not cynical before this point, the Committee's behavior must have pushed public opinion over the edge.

In recent days, as I deliberated about my vote, five consideration were important to me.

First, the President's conduct is wrong and cannot be tolerated. It contributes to undermining the moral fabric of our society. It gives young people the impression that anything goes. There must be consequences to his behavior.

Second, the facts are not really in dispute. The role of the House as the determiner of probable cause has been altered by the recognition that the real issue is the consequences of obvious actions.

Third, the President's behavior, although immoral and deceptive, did not in my opinion involve his official duties as President or constitute dramatic and severe criminal conduct that demands persecution during his term in office. In my mind, the framers of the Constitution expected one of these thresholds to be met for impeachment to proceed. I do not believe he abused his powers in asserting executive privilege or obstructed justice through official channels. Although illegal and subject to prosecution, the perjury allegations in this case do not demand immediate prosecution.

Fourth, there are alternative consequences. There is public rebuke or censure by Congress. There are monetary payments that can be required. There is criminal prosecution for perjury. And there is the personal tragedy, the humiliation, the family embarrassment, and the destruction of the historical record of a talented, energetic man who has given much to his country.

Fifth, finally, and most importantly, we cannot let the passion for vengeance overwhelm the best interests of our nation. Impeachment has a checkered history. There have been eight attempts to use it against Presidents. In seven cases it was clearly political: John Tyler, Andrew Johnson, Grover Cleveland, Herbert Hoover, Harry Truman, Ronald Reagan, and George Bush. In October, former President Gerald Ford wrote a persuasive analysis of the Clinton impeachment question in which he stressed the damage to the institutions of government that can occur if a president is forced out. As the Republican Vice President that succeeded President Nixon, he concluded, ''I care more about preserving respect of those institutions than I do about the fate of any individual temporarily entrusted with office.'' I agree with that sentiment, and as someone who deeply respects these institutions, I wish to put this episode behind us without doing further damage to our government and our nation.

Mr. Speaker, I will not vote to impeach the President. I would vote to censure him, or as urged by President Ford, require him to stand for public rebuke. This proceeding has distracted our nation long enough. It is time we return to the challenges that confront America.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. TORRES).

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

Mr. TORRES. Mr. Speaker, I rise in strong opposition to these articles of impeachment.

I come to the House tonight with great sadness and shame. I am sad because after 15 years, 16 years, actually, this will be my last vote tomorrow in the service of this great institution, I am forced to participate in a process which undermines the very ideals and fairness and justice upon which this institution was founded.

I am ashamed because history will record that this body, driven by rank partisanship and ideological zealotry, sought to depose the President of the other party without due cause and against the wishes of the American people.

As representatives of the American people, we cannot, we must not, use our power to thwart the will of the people and trample upon their constitutional rights to keep a President of their choice. Sadly, that is what is happening here tonight.

James Madison said, a President is impeachable if he attempts to subvert the Constitution. This President has not. We ought to not impeach him. I oppose these articles.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, President Clinton, being merely human, gave in to lust. With the shame and embarrassment of that flaw being discovered, he deceived us. Those of us who voted for this man can forgive him. We can see what he has done, not only for this Nation but across the world. We can see that this President has much more to give as a President.

But those on this floor who are calling for impeachment never voted for him, never supported him. They have pursued him relentlessly, and they cannot forgive or accept any imperfection in this man.

Just as lust and deceit are sins, so are hate and envy. Just 2 years ago, this House undertook disciplinary action against the Speaker for intentionally misrepresenting information to the House Ethics Committee. The Ethics Committee recommended and this House adopted on a bipartisan basis reprimand over censure, a penalty which allowed the Speaker to stand for reelection.

I do not know how to reconcile the hypocrisy of the House in holding the Speaker and the President to two different standards. Let us recall what one of my colleagues said in opposing the Speaker's reprimand:

> Let us stop using the ethics process for political vendettas. Let us not create precedents that will only serve to undermine the service of this country. Let us stop this madness. Let us stop this cannibalism. Let us not fall victim to unrealistic expectations that do not forgive the common flaws of normal Americans.

That was the gentleman from Texas (Mr. TOM DELAY).

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. WELLER).

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

Mr. WELLER. Mr. Speaker, I rise in support of holding Bill Clinton personally accountable for committing perjury before a Federal grand jury.

Mr. Speaker, the House of Representatives is now considering Articles of Impeachment against President Bill Clinton. This is clearly one of the toughest and most significant votes of my career in public service and it carries major historical significance for our Nation. I do not take this decision lightly nor do I believe any Member of Congress should rush to judgment.

Since the allegations against the President came to light in January of this year, I have reserved judgment until I learned all the facts. This decision, on my part, to reserve judgment on the President's conduct required me to wait until the House Judiciary Committee completed its work.

Over the past few months as the allegations against President Clinton became fact, many of my constituents raised real questions that I felt deserved answers. These questions included: why has Congress been forced to review the charges against the President? whether Bill Clinton should be held to the same laws and standards as other Americans? whether Bill Clinton in his responsibility as our Nation's leading role model for America's children should assume personal responsibility for his actions and how should I base my decision? on the opinion polls? or the principle of what's right?

Only one person is responsible for the vote we have scheduled this week. It was Bill Clinton's reckless conduct that forced the Nation to confront this issue. Had he come clean with America last January, a majority of Americans easily would have forgiven him for his reckless conduct. Instead, he chose to stonewall and later lied to a federal grand jury. Over the past several weeks, when several Members of Congress have urged him to tell the truth and admit he lied to a federal grand jury, he's declined. Had he come clean in the beginning, we would not be here today.

President Clinton and his partisan defenders have suggested that he should be held to a different standard than his fellow Americans. I disagree and note that Congress, in the last ten years, has voted to impeach and remove from office two federal judges who lied to grand juries of their peers. And only a few days ago, several Northwestern University athletes were indicted for lying to a federal grand jury regarding illegal gambling activities. No American should be above the law and that includes the President of the United States.

I've also had to respond to parents asking my advice on how best to respond to their children's statements that it is okay to lie if the President says its okay to lie. Personal responsibility is a basic virtue for all Americans and the President must take responsibility. American school children have all learned the story of George Washington stating to his father that he could not tell a lie and admitting to cutting down the cherry tree. Which example will they now remember?

Now that the vote is scheduled on Articles of Impeachment against Bill Clinton for lying under oath before a federal grant jury of his peers, obstruction of justice and abuse of office, there are those who suggest I should base my vote, not on my convictions, but on the opinion polls. We must remember that early advocates of abolishing slavery, ensuring civil rights for all Americans and America's entrance into WWII were not pursuing popular ideas. But Abraham Lincoln, Martin Luther King and Franklin Roosevelt did the right thing and adhered to their basic principles. I will not base my decision regarding this vote on popular opinion polls but on what I believe is right for America.

We must do the right thing for America. No one is above the law, and that includes the President of the United States. It is in the best interest of our Nation that the House vote to send to the Senate Articles of Impeachment against the President.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Speaker, I share the outrage and disappointment expressed by my constituents. However, the President's actions violated our Nation's trust. The debate is no more about sex than the Watergate debate was about a third-rate burglary.

This is a difficult decision for all of us, probably the most difficult of my tenure in the Congress. I thank my constituents who shared their views.

While none of us should minimize the gravity of this impeachment process, we must bear in mind that the House does not have the final word in determining whether any official should be removed from office. Referral of this issue to the Senate is not removal, but merely a finding of probable cause that a removeable offense may have occurred.

Having fully considered the facts before us, reluctantly I have come to the conclusion that probable cause exists. Accordingly, I shall be voting in favor of at least one of the articles of impeachment.

In closing, I note that though I support the articles of impeachment, I am not convinced that the President should be removed. In fact, that decision can only be made after a fair trial in the other body.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

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

Mr. ROHRABACHER. Mr. Speaker, during the impeachment inquiry, many of those who have stood against the President have been targeted for personal vicious personal attack. The gentleman from Indiana (Mr. DAN BURTON), the gentlewoman from Idaho (Mrs. HELEN CHENOWETH), the gentleman from Illinois (Mr. HENRY HYDE), a Democrat, the gentleman from Pennsylvania (Mr. PAUL MCHALE), and yesterday the gentleman from Louisiana (Mr. BOB LIVINGSTON) all have been made to suffer.

What we have experienced on Capitol Hill is consistent with the threats and

intimidation endured by each and every one of the women claiming to have been used and abused by the President of the United States. I will submit for the RECORD the names of seven such women, the last being Kathleen Willey, whose cat disappeared, and then had a skull of an animal put on her front porch when she was supposed to testify. Then a jogger comes by and starts talking about her children, and where is her cat, and then says, did you get the message?

Mr. Speaker, I will vote for impeachment because the President is guilty of perjury and lying under oath, and lying to a grand jury, and all the rest. Impeachment is another way of reaffirming certain standards and principles. America today is in dire need of reaffirmation of a commitment to truth, justice, and to fundamental human decency.

Mr. Speaker, I rise today in support of all four articles of impeachment against the President of the United States. My vote will be based upon the Judiciary Committee's findings that our President committed perjury and lied under oath.

Although the debate in which we engage is of monumental consequence, and being so, is to some degree contentious, let me suggest that I do not sense a high degree of personal hostility in this chamber. Even for a hothead like me, and I know I can be far too frank at times, I have not sensed ill will between Members, and have instead had some friendly exchanges and given and received some heartfelt best wishes for the holiday season.

One might note that between Members of the House of Representatives this is about as amicable an impeachment as one could expect, all things considered.

With that said, however, there is another more sinister dimension to the impeachment crisis. An ugly cloud of intimidation is evident here in Washington. Over these last few months many of those who have stood in opposition to the President have clearly been targeted for vicious personal attack. This ruthless campaign of intimidation is unprecedented. The Government Reform and Oversight Committee had barely started its investigation when its chairman, DAN BURTON, was put in the bulls eye. HELEN CHENOWETH, HENRY HYDE, Democrat PAUL MCHALE and yesterday BOB LIVINGSTON, all have been made to suffer. In the case of MCHALE, the mudslingers couldn't even get their facts straight.

What we've experienced on Capitol Hill is consistent with the threats and intimidation endured by women who may have been in a position to make embarrassing allegations against the President. At first it was made light of—the women were labeled as bimbos. But now it's more serious and no one is laughing. Each and every one of the women claiming to have been used and abused by the President has been threatened, smeared, or victimized.

Former Miss America Elizabeth Ward Gracen; former Miss Arkansas, Sally Purdue; Paula Jones; Dolly Kyle Browning; Jennifer Flowers; and Monica Lewinsky.

Kathleen Willey. Her cat disappeared and an animal's head appeared on her porch shortly before she was to testify. Then outside her home a jogger came by and asked what happened to her cat and made mention of her children, then asked if she got the message.

My fellow colleagues, I will vote for impeachment because I believe the President is guilty of perjury, lying under oath, and lying to a grand jury and the rest.

Impeachment is another way of reaffirming certain standards and principles. America is today in dire need of a reaffirmation of our commitment to truth, to justice, and to fundamental human decency. Thus I will vote for impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, this debate is about the principle of equal justice under law, as the gentleman from Illinois (Chairman HYDE) so eloquently stated in his sad and magnificent speech. It is fundamental to our liberty that no one is above the law. It is absolute despotism that a crime for one person is not a crime for another.

The words in an oath in our judicial structure is an indispensible pillar. No one can be selective when they are under oath to tell the truth. It has been written that language is the essence of law, and law is the essence of liberty.

The President is at the epicenter of this storm. Its duration and tenor have always been under his control. To quote Emerson, the last line of his essay, Self-reliance, ''Nothing can bring you peace but the triumph of principles.''

Mr. Speaker, this debate is about the principles of equal justice under law.

Ms. LOFGREN. Mr. Speaker, I yield 4 minutes to to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, if Members followed the Committee on the Judiciary proceedings, they already know that I strongly oppose impeachment. Given the totality of the wrongdoing and the totality of the context, the allegations of misconduct do not rise to the standard required for impeachment.

With apologies to those who heard my statement in the Committee on the Judiciary, I would like to repeat those remarks that address another issue, whether a failure to vote impeachment could cause a decline in the fabric of our culture and the strength of our legal system.

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The corrosive effects on American culture and America's legal system of allowing the President to serve out his term have been overstated. The President's defense is very troubling. His grand jury testimony, his public statements following the grand jury testimony, his agents' public statements are more egregious than any wrongdoing that caused this process to begin. Alice in Wonderland-like notions pop into my head, watching someone so smart and so skilled, so admired by the American people for his intellect and his talents digging himself deeper and deeper and deeper into a rabbit hole, and us along with him.

This spectacle troubles many and may motivate many of the calls for impeachment. People do have a right to ask, what will America's children believe about reverence for the law, about lying under oath? Many thoughtful Americans wonder whether the deconstruction of our language will damage the culture. What will happen if words no longer have common sense meaning, if everything is equally true or not true because, after all, it depends on what your definition of ''is'' is. Of course, there has been and there will be harm to our culture and the legal system. But let us keep it in perspective.

While not above the law, the President, the most powerful man on the planet, the man who has control over our nuclear weapons arsenal, the man whom we invest with the authority to protect and defend the interests of the people of the United States, indeed protect all of civilization, is a special case.

Everyone is equal under the law, but we make special provisions for one person only while he is serving as President. Few would dispute the fact that the President is immune from criminal prosecution during his term of office. Many would argue that a wise Congress should pass legislation to immunize future presidents from civil litigation during the term of their office. We invest the Secret Service with the responsibility of taking the bullet so our Commander in Chief will serve out his term.

That the President's conduct is not impeachable does not mean that society condones his conduct. In fact, it does not mean that the President is not subject to criminal prosecution after he leaves office. It just means that the popular vote of the people should not be abrogated for this conduct when the people clearly believe that this conduct does not warrant that abrogation.

Most Americans know and will teach their children to know that conduct that may not be impeachable for the President is not necessarily conduct that is acceptable in the larger society.

Those who argue that the institutions of government or the fabric of our society will be irreparably harmed by a failure to impeach the President seriously underestimate the American people. America is too strong a society, American parents too wise, the American sense of right and wrong is too embedded to be confused.

We all know that the word ''is'' has a common sense meaning. We all know that lying under oath is wrong and could get us in a lot of trouble. I ask those of you who sincerely believe in limiting Federal power, in elevating the role of the individual and of individual responsibility, do you really want to impeach a popularly elected President to teach our children a lesson?

Former First Lady Barbara Bush said, your success as a family, our success as a society depends not on what happens at the White House but what happens inside your house.

Impeachment is not a substitute for good parenting or personal moral values. I ask those who are open to a second thought to rethink this issue. Impeachment is not the proper vehicle for symbolic gestures. These articles of impeachment must be opposed.

Ms. LOFGREN. Mr. Speaker, I will yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to the articles of impeachment because I do not think the misconduct of the President was a threat to the Nation.

I will respond to the understandable concern that has been expressed here tonight by those who support the articles and those that oppose them about the effect on the rule of law. This President, upon leaving office, will be subjected to criminal prosecution for having lied under oath. This is not just a theory. There will be accountability here. The independent counsel statute, which Congress would do well to let expire, specifically provides that the current office of independent counsel will continue to exist past the duration of the Clinton presidency. This office of the independent counsel, who no one has criticized as not being sufficiently aggressive, will in all likelihood be charged with the responsibility of making that decision whether to prosecute.

The President will be held accountable in a criminal court of law where a jury will have the right to determine whether he has committed perjury. That is a separate consideration from impeachment. We will uphold the rule of law by the President being subjected to criminal prosecution. But the President's behavior does not rise to the level of an impeachable offense. We will also be held accountable for having deprived this body the opportunity to vote for censure in lieu of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SANDLIN).

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

Mr. SANDLIN. Mr. Speaker, we either respect the Constitution and the rule of law or we do not. It is as simple as that.

What is the test for impeachment? The test is not disappointment. It is not disapproval. It is not even moral outrage. The test is set out clearly in our Constitution. The Constitution says that one can be impeached only for misconduct in the performance of official duties that endangers our system of government. No such allegations have been made, no such evidence has been presented. No such burden has been met.

Certainly the President's conduct is disappointing. But ask yourself this: What action has the President taken in his official capacity as President of the United States that endangers the government of the United States? I believe the answer is clear.

We are in a defining moment in American history. We stand today a lame duck Congress poised to impeach a President for unconstitutional reasons, along partisan lines, in the middle of an armed conflict. What could be more ridiculous than that?

We are legislators, not investigators. Let us conclude this matter in accordance with the Constitution.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

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

Mr. MCKEON. Mr. Speaker, I rise in support of the impeachment of the President.

Mr. Speaker, today I rise to echo the words of our forefathers who once held the highest office in our land. The advise that they have provided is among the best that our nation has ever received. I would like to share with you two phrases from our first two Presidents. I think they ring true today more than ever.

In his farewell address, President George Washington underscored the importance of having leaders tell the truth. He said, ''Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in the courts of justice?''

On his second night in the White House, John Adams wrote the following, ''I pray Heaven to Bestow the Best of Blessings on this House and on All that shall hereafter Inhabit it. May none but honest and Wise Men ever rule under this roof.''

In my opinion the issue of impeachment is simple: should we have two systems of justice, one for the President and one for everybody else? where is the fairness for the people who are convicted of perjury every year and sentenced to detention?

What a shame that today this Congress must revisit these issues because President Clinton failed to follow the advice of these very wise men. As I will be casting my vote to impeach on all four articles today, I will keep in mind these words. I will also keep in mind that the impact of my vote today will ring true to generations for years to come that perjury has no place in the highest office of the land.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS).

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

Mr. PITTS. Mr. Speaker, I rise in support of the articles of impeachment.

DUTY, HONOR, COUNTRY

Those three hallowed words reverently dictate what you ought to be, what you can be and what you will be.

Over thirty-five years ago, General Douglas MacArthur spoke those words to the United States Corps of Cadets.

He spoke those words just a few short years before I went to Vietnam in support of a military action for which this body deemed it necessary to send troops.

Not all Americans supported this action.

Some Members of this respected Chamber may have even protested against Vietnam.

But I, along with millions of other men and women of this country, did my duty.

Right now, men and women from all around this country are also doing their duty and serving their country.

Yes—today there are service men and women in the Persian Gulf—putting their lives on the line in defense of freedom.

There are also troops on the DMZ in Korea, in the former Yugoslavia and on military bases throughout the world.

They are there today, they were there yesterday and they will be there tomorrow—doing—above all else—their duty.

Every day, they put their lives on the line for freedom, liberty and democracy.

Every day, they uphold the values that we are reminded of every time we see our flag.

Every day.

Now, let's evaluate how the Commander-in-Chief of those same soldiers treats the words—Duty, Honor, Country?

Let me first say. * * * Everyone makes mistakes.

I have made many in my lifetime and will make many more.

But——

What we are faced with today is a President who, instead of embodying duty and honor—decided to cover up his mistakes and bring others along with him to perjure himself.

Very simply * * * he lied under oath.

The president shirked the very duty that is encouraged and expected in our armed forces.

Instead of admitting his mistakes and facing his duty as leader of this country, he has fallen to lies—upon lies—upon lies.

Instead of retaining honor, he has thrown it aside and perjured himself.

The next excerpt from the MacArthur quote I shared earlier refers back to the three words—Duty, Honor and Country.

He said, ''These are your rallying points—to build courage when courage seems to fail * * *''

The issue we are confronted with today deals with this courage.

It is about upholding our democracy, our rule of law and the very honor and duty that U.S. military men and women fight for as we speak.

It takes much courage to choose a painful and difficult right over the simpler wrong.

Mr. Speaker, oh, that it would be so simple to say that this matter is just about lying about a sexual affair.

There is a much deeper issue at stake here.

After all the talk of sending a message to our service people abroad—who have learned about duty and honor and sacrifice experientially—is it not clear to us that tonight—and tomorrow—that the most compelling message we can send to them is one that upholds the very ideals for which they fight?

Does the code of conduct in the military still matter?

Is it just a bunch of empty words?

Or does the Commander in Chief—not a king, not a sovereign, but one of us—a citizen of the United States—and indeed, even an officer of the United States Military—have a code of honor and duty to uphold?

I challenge my colleagues to consider this—the message that this body will send to the United States Military overseas—must be an affirmation of the ideals that they live by and for which they are serving.

As our troops must preserve the freedom we enjoy, so this legislative body is bound by the Constitution which has sustained this great nation in all of our 200 years.

The President—the Commander in Chief's actions—compel us to act.

We are not driven by politics—but by the only benchmark we have—the rule of law—our ultimate code of honor.

These moments could not be more important—for our history—or to our future.

These words never held so much meaning: Duty, honor, country.

This is indeed a sad day for America.

I intend to vote for the articles of impeachment.

I ask unanimous consent to revise and extend my remarks.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH).

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

Mr. LEACH. Mr. Speaker, I rise in reluctant support of two of the four articles of impeachment.

For a long time I have thought the character issue surrounding this President deserved political and legal accountability, but assumed it fell short of requiring a Constitutional remedy.

I have concluded, however, that I have no choice but to vote for two of the four Articles of Impeachment—specifically Articles I and II, those dealing with perjury. My reasoning is straightforward.

The President has committed crimes and misdemeanors. The question that perplexes each of us as Members and the public at large is whether these crimes and misdemeanors are ''high'' enough to meet the standard required by the Constitution.

The defenders of the President have suggested that lying about a fundamental privacy issue—sex—and the issues surrounding sexual harassment do not rise to a constitutional level. While I respect judgments to the contrary, I have concluded that perjury in this instance has been committed, not only to protect the President from embarrassment, but to deny an American citizen due process under the law. It must be considered a high crime, one against the state.

The fundamental issue is that no individual is above the law and that democratic governance depends on trust, which in turn depends on truth-saying.

Leadership is a conjunction of good ideas and good character. One without the other is unsustainable.

In America, process is our most important product. Winning does not vindicate taking shortcuts with public ethics, even if it can be suggested that others may have followed similar or less defensible paths.

In her philosophical treatise *Lying,* Sissela Bok, the Harvard ethicist, notes that ''veracity functions as a foundation of relations among human beings; when this trust shatters or wears away, institutions collapse.'' Bok goes on to note that ''truthfulness has always been seen as essential to human society, no matter how deficient the observance of other moral principles.''

This is why lying under oath is so serious and why the President's refusal to acknowledge truthfully the factual circumstance that has been established so shatters the moral underpinnings of government. The fact that the President may face liabilities after he leaves office if he states the truth is no excuse for continued obfuscation.

At the core of the President's Constitutional responsibilities is his duty to ''take care that the laws be faithfully executed.'' It is hard to conceive of an offense that more clearly violates—and is more clearly relevant to—this core responsibility than perjury, which, if left unchecked, would destroy the rule of law. By lying under oath in a federal civil rights lawsuit and subsequently before a federal grand jury, the President not only failed to ''take care that the laws be faithfully executed,'' he acted to subvert the law itself.

A situation simply cannot be tolerated in which the highest officer of the Executive Branch is called before a judge and orchestrates a cover-up constructed of fraudulent half-truths, misleading omissions, and deliberately spun webs of deceit. While the Judiciary has mechanisms by which it can defend the integrity of its processes, what is unusual in this particular impeachment proceeding is the prospect of Congress taking action to right the balance between two branches of government, in this case the Executive and the courts.

Because it is a referral of the Office of Independent Counsel which obligated Congress to assess whether actions of the President rise to impeachment proportions, it should be understood for the record that it was the Justice Department and the Courts, rather than Congress, which precipitated the independent counsel's review of perjury related to the President's private life. While Congress called for, and the President explicitly, though reluctantly, approved the appointment of an independent counsel to investigate the Whitewater matter (which, to date, has yielded convictions of 14 individuals on 41 criminal counts), it was the Attorney General who directed the Counsel to widen his probe to include aspects of the civil suit brought by Paula Jones, and it was the Supreme Court which allowed the suit to go forward during the President's tenure.

It is important to separate Congress from a call for a review of aspects of the personal life of a President because of the terrible precedent it would set. It is also important for Congress to ponder whether the future presidents should be subject to civil actions during their terms for which intrusive depositions may be in order.

The Independent Counsel's probe has been too long, too expensive, and too intrusive. I have great qualms about the seemliness and precedent of some of the tactics of the Independent Counsel's office, particularly the use of and potential resort to further surreptitious tape recordings to gather additional evidence against the President. Nonetheless, the results of the Counsel's probe cannot be dismissed.

The underlying acts under review have demeaned the office of the President, debased the public dialogue, and eroded the President's moral authority to govern.

Impeachment should neither be used to punish the President nor to settle political scores. Indeed, its consideration should only proceed with the goal of protecting the office by replacing a sullied occupant with an individual of unsullied character. This is the case today.

Conviction by the Senate on impeachment charges at this time in this circumstance would represent less an overturning of a democratic election than a reaffirmation of the strength of the processes of governance, the putting in place of a new leader of the same party and philosophical bent as the President.

While the lines between the political parties may become accentuated in an impeachment vote, the end result of a successful impeachment would almost certainly redound to the political advantage of the President's party and—more importantly—to the country.

In fulfilling his Constitutional duty to lead the United States government the President has an implicit obligation to stand as the apotheosis of American values. While ethics are an integral part of the human condition and at bottom a matter of individual responsibility, an American President must be above demeaning behavior and free of any shadow concerning allegiance to the law and to the truth. To hold otherwise is to assume we are neither a nation of laws nor of moral values.

In the final measure, what is at issue regarding the possible impeachment of the President is the question of relativism versus absolutism. Relatively speaking, there is little doubt that other Presidents have had inappropriate relationships, including one with an individual who, as a slave not only worked for but was owned by a President.

There is also no doubt that other Presidents have lied about public matters, perhaps more serious than adultery—the U.S. role in the Bay of Pigs invasion, the true nature of Gary Powers' mission to Russia in a U–2 spy plane, and the details of the arms-for-hostages transaction that was at the heart of the Iran-Contra affair, to name a few.

On the other hand, none of these circumstances involved Presidential fabrications made under oath. Since the country's founding, oaths have implied a moral and Constitutional affirmation, moral in the sense that our founders justified the American revolution with an appeal to higher authority than British civil law, establishing a Republic under, not above, God; and Constitutional in the sense that oaths of office were premised on the notion that truth-telling was critical to the functioning of our judicial and political processes.

What distinguishes President Clinton from his predecessors in this regard is that, relatively speaking, the acts under review may not represent as great umbrages to our system as certain others, but lying under oath amounts to an absolute breach of an absolute standard.

While it is never acceptable for elected officials to mislead those who have given them a solemn public trust, it is the element of lying while under oath that raises the President's conduct to a constitutional dimension. Future Presidents who raise their hand and swear an oath to God to tell the truth in a judicial proceeding and then offer false testimony should recognize that the prospect of impeachment would loom, because such conduct is an affront to the rule of law by which all citizens must abide.

There is a view among Constitutional experts that perjury is an impeachable offense but that it does not necessitate impeachment in every instance. This is the case for a number of reasons. The issue of motivation and of consequences must be taken into consideration.

The philosopher Isaiah Berlin notes that in a pluralistic society values are often in conflict. It

is not the case that some must be true and others false. Rather, collisions of values shape who and what we are. ''We are doomed to choose, and every choice may entail an irreparable loss,'' he argues.

What makes the impeachment issue difficult is not just the problem of measuring how high the crimes under consideration are but how juxtaposed various values have become. For instance, the importance of holding the chief political officer of the land accountable for a breach of the law and the public trust is in conflict with the importance of respecting the result of a democratic election. If I thought the country would be worse off or the Presidency weakened with a Constitutional transition to the Vice President, I might have to conclude that despite the perjury the President should not be impeached. But I believe the opposite: the Presidency would be re-legitimized and revitalized if Constitutional accountability occurred.

The motivation behind the crime in this case is patently self-serving. Unlike certain other examples of Presidential mendacity, no national interest rationalizations exist. For this and other reasons, most notably the desirability of reestablishing trust between the public and its government, the effect of an impeachment of a shamed President would be to reaffirm the rule of law and strengthen the Presidency.

While I have reluctantly reached this decision, I respect the contrary judgment reached by others and believe that out of fairness those of a different mind should have been provided a rule allowing them a chance to vote for a censure alternative. I recognize censure is not envisioned in the Constitution and that there may be separation of powers and bill of attainder problems with certain censure approaches; nonetheless I believe a censure approach can be crafted which would not be Constitutionally inappropriate. Indeed, as Constitutionally awkward as such an approach would be, future negotiations between the White House and Congress on impeachment alternatives, such as those proposed by Governor Weld and Senator Dole, cannot be ruled out.

While no one should vote for impeachment unless he or she is convinced that the conduct under review is of such a nature that the Senate should remove the President from office, the Senate is not constitutionally required to carry the impeachment process to completion.

Finally a note about citizen input and citizen attitudes. As this House today takes up the issue of impeachment the polls indicate approximately 40 percent of the people favor impeachment with 60 percent in opposition. at the same time over 80 percent believe the President is not telling the truth. As an elected representative in our unique democracy I must acknowledge the imperfect circumstance at hand, but I am obligated to measure my vote by the Constitution's standard as it relates to impeachment and by the Constitution's framework which requires votes by made in conscience.

This is my duty, but in reaching judgment I am also obligated to listen respectfully to the best of my ability to the citizens of the District I represent. In this regard, I would like to present for the record a summary of the letters and e-mail I have received and of the comments I have been provided at farmsteads and in school yards throughout the District.

In setting these views forth, I would like to underscore that there has been no issue in my time in public life in which the public has been more universally informed, nor more thoughtful in its judgments. The evidence for this assertion is contained in the comments which follow, the first body of which relate to those expressing sentiment for impeachment, the second, sentiment against.

FOR IMPEACHMENT

''I am a police officer in Cedar Rapids. As such, I know that if I were to give the type of testimony that President Clinton gave, I would be indicted for perjury.''

''I am a retired military officer, so integrity is an issue that I hold high. It was ingrained in me that I should never use my authority or position to engage in less than honorable behavior. I'm saddened to see the presidency undergo yet another assault on its powers and prestige due to the behavior of the very human incumbent.''

''Clinton was told unanimously by the Supreme Court that he could be sued by Paula Jones. Whether you think Jones had a case or not (personally I don't), he can't be allowed to just do whatever he wants in the courtroom.''

''I have in the past admired your ability to vote your conscience—please do the same here and respect the law as the standard to which we all must be held. To do otherwise will create the foundation for a cynicism that, I believe, will undermine the judicial system and all that our Constitution stand for.''

''If impeachment fails, we will have established a new class of criminally immune political elitists.''

''Allowing him, as the Chief Law Enforcement agent of the United States, to place himself above the law will set a terrible precedent for the future.''

''Bill has violated the trust of America.''

''Clinton has immolated himself.''

''To allow the impeachable actions of the president would cheapen the laws on perjury and obstruction of justice and hasten the disastrous moral decline of America. Censure is insufficient.''

''Even the President is not indispensable, especially one who lacks morality as well as good judgment.''

''My deep-rooted Midwestern values endorse impeachment since with responsibility comes accountability.''

''If he was any other person in the United States, he would have been charged.''

''Although it is very regrettable that events have come to this, I would urge you to vote for impeachment of the President.''

''Our leaders should be held to a higher standard, perhaps even higher than the regular citizen because of the high offices they hold.''

''Just because he is the President it does not give him the right to get away with breaking the law.''

''It is my strongest hope that you vote to send the case to the Senate. A felony is a felony no matter who commits it.''

''As a libertarian, I believe that we must impeach Clinton. A libertarian is a person who believes that no one has the right, under any circumstances, to initiate force against another human being, or to advocate or delegate its initiation.''

''Follow your conscience and vote for principle instead of polls. Please do not buy into the fallacious arguments of 'Everyone does it, 'It's wrong but not impeachable,' and 'The American people want censure.' ''

''I want you to know that as one of your constituents, I will respect your votes concerning the four articles of impeachment. I would rather not have a person holding the office of the President who has put himself above the law of this land.''

''Our country, our children, and our children's children simply cannot tolerate the precedent that would result should this President be allowed to get away with perjury, obstruction of justice, and bribery.''

''Whatever Paula Jones' motive was or whoever was behind her, she had a right to her day in court. I have no doubt that earlier presidents have gotten away with similar dishonorable actions (perhaps worse), but now we have sexual harassment laws, a civil right long overdue. The President should be held to task for his arrogant attitudes toward women in general.''

''If I were to commit perjury in a court of law, I would likely be punished for the act. I do not believe that even the President of the United States is above the law.''

''This is the first time I have communicated to any of the people who represent me in government, but I've had enough. This man does not deserve to be President of the United States. He broke the law—not once but on many occasions. He's made a mockery of the presidency and the law. He's supposed to be a role model—someone for my 6 year old son to look up to.''

''I believe he is a liar and a dodger of truth. If you vote ''NO'' on his impeachment, you can expect a ''NO'' from me when you next run for office.''

''As a former law enforcement officer, I have seen many criminals sent to prison for lesser offenses.''

''You who have made honesty the keynote of your public service and campaigns should demonstrate no less respect for truthfulness when you cast your vote. Republicans may not unite on every issue but they should all be able to stand for the principles of honesty and the rule of law.''

''We believe you are a man of integrity. We will always remember the way you handled the Whitewater incident. When the truth was being abused, you stood by your principles and called it as you saw it. Now I want you to know that the truth is being assaulted. I believe perjury is a big deal.''

''As the father of an 18-year old son, who does watch the news and sees the example set by all of you in the House, and needs to see that there is still a right and wrong in this country, I urge you to vote for impeachment because he lied.''

''We're offended by Clinton's actions. He continually side-steps the perjury and obstruction issues in each of his apology statements. To us, these actions show his arrogance and disrespect for the people, for the office, and for the system.''

''What are we to think about a person whose judgment is so skewed and who seems willing to do anything to remain in office? We cannot trust him any longer . . . His word is no good and his respect for the law seems to be completely gone.''

''I did not spend more than five years fighting WWII only to end up with a President of his manifest character. Please help Mr. Clinton step aside.''

''I haven't always agreed with your decisions, but I have always respected your ethical and moral stands on your decisions Please vote for impeachment. This is the ethical thing to do. If you do otherwise, you are saying to the people that there is a double standard before the law for those who are in power or have the money to muddle the truth.''

''I am urging you to vote for impeachment. I believe this is the only way to save the office of the Presidency.''

''If the law is to ever again of enforced in any court in the country, it is imperative that the president be held accountable for these actions.''

''We feel that the question here is whether the President is a citizen who must live under the same laws that govern all the rest of us, or whether he will be treated like a king, too important to be bothered by the conventions, laws, and morals that shape the lives of everyone else. Are sexual harassment laws real laws with real consequences or can citizens lie under oath to protect their families without consequences since it's only about sex and every one lies about it?''

''In order to uphold the Constitution, the Law of the land, and preserve the integrity of the United States, I believe there are times in which Congress must follow the Law and not the majority wishes of its constituents. I believe this is one such time.''

''I feel the President must be impeached. I am now convinced that there isn't anything the man won't do or say to get what he perceives to be in his best interest. The man is completely without moral compass moral compass, a quality that should be one of the greatest strengths of this highest of offices.''

''After seeing the evidence, I believe that President Clinton committed the crimes that he is charged with, and therefore violated his oath of office to faithfully execute the laws. I believe that short-term inconvenience of the Senate trial is insignificant compared with the long-term damages to the rule of law and the constitution that not voting for impeachment would cause.''

''I'm a government and history teacher, and my students always feel honesty is one of the most important characteristics of a leader. What message will our government be sending our children if the President lies under oath and goes unpunished. He has violated the Constitution and should be removed from office.

''We feel there is nothing more important than to protect the integrity of the Constitution, the office of the President and the rule of law. Mr. Clinton has, over time, proven that he has little respect for any of these. His actions have defined his character. His actions have not just demonstrated his exceedingly bad judgment, they have been proven to be illegal. As such, a vote for impeach is the only right thing to do.''

''It is with great regard that I write to you to urge you to impeach our President. We simply cannot have the leader of our country take the office of the President with such little regard as to defile it with a lack of self-discipline. It is embarrassing as an American when I am abroad. It is disturbing as a woman to see our leadership demonstrate such disrespect towards women.''

''In this day and age, it is very difficult to raise children to be honest and trustworthy individuals, especially when so much that you see and hear and read is so full of wrong doings. I believe that when my President goes on national television and looks that camera in the eye and can boldface lie to his whole nation then he has just undermined everything that I have tried to teach my children.''

''His behavior exhibits an arrogance and disdain for our legal system. The president is a lawyer and clearly understood what he was doing. We believe his subversion of the legal system was intentional and premeditated.''

''As a parent, there are many times when you look for all the alternatives to punishing your child for all the things that he did. But as the child becomes more and more belligerent and insists ''I didn't do anything wrong'' you finally have to put your foot down and do what in your heart you know is right. Please Congressman LEACH, show my thirteen year old daughter that this country still stands for something. She asks me every few days how come if a 13 year old kid can tell he is a liar, that adults can't.''

''Having put aside the rumors and allegations against Mr. Clinton prior to his first campaign for the office of president, we voted for Mr. Clinton. We were pleased with his performance in his first four years in office, and gave him our vote of confidence in his second election. It is with heavy hearts that we now ask that you vote for his impeachment. It is our opinion that he has abused the power of his office, obstructed justice and lied to the grand jury.''

''I voted for Bill Clinton and believe that, for the most part, he has done an excellent job as president. Although I find this position somewhat problematic, I would like to encourage you to vote for impeachment. My reasons for this are: (1) perjury undermines the judicial system which I view as the fundamental basis for our government; (2) the president is in an incredibly powerful position and should not use the power to his advantage (if a professor had a sexual relationship with a student, the professor would lose his or her job); and (3) the president should be expected to comply with the same laws as everyone else.''

''Many Clinton supporters seems to think the terms 'high crimes and misdemeanors' are one and the same. I would think they are separate acts, and while he has perhaps not committed treason or what could be considered a high crime (such as murder or bribery), he has most certainly committed very serious misdemeanors against his office, his oath, and his country.

''Oaths are critical to the system of liberty in place in the Constitution. If we abandon them then liberty is in constant jeopardy; it has no support.''

''In committing perjury, Clinton deprived everyone entitled to the truth under the law of their eights. Please vote to impeach.

''I would like to add the five voters of my family to the list those of favor of impeachment, though, to me the real answer is for the President to resign. I have often told my daughters that if they told me a lie I would lose confidence in them, and it would take a long time to gain that back.''

''As a social studies teacher in Iowa City, Iowa, I feel strongly about the coming vote in the House. My personal perception is that there is obvious evidence of wrongdoing on the part of the President. Therefore believe impeachment is necessary. That being said, the punishment must fit the crime and something short of removal by the Senate seems appropriate''.

''He clearly broke the law, and refused to take responsibility for that part of it. This is exactly the opposite of what I am trying so hard to teach my children.''

''We are told that Kelly Flynn was court marshaled because she lied about her adulterous affairs. I am unable to understand why we cannot hold the chief law enforcement officer of this country, and commander in chief of the armed forces, to the same standards.''

''You were not elected to high office roll over and take the easy way out just because a well marketed President has public opinion polls in his favor.''

''Remember that truth must always be served first.''

''My 14-year old son just keeps saying, if this were me (being Clinton) I would be in jail.''

''If Clinton gets away with perjury, I will I will never be able to serve on a jury because we could not believe anything said in a courtroom.

''I want you to know there are a lot of silent voters out here in your district that want that liar out of office.''

''We all know that if any person's workplace conduct were similar to the President's they would be summarily dismissed, no questions asked. It would be reprehensible to send any different message to the American People just because he is the President. My children have already seen two significant legal dramas in their lifetimes. The message in the O.J. Simpson trial was that being celebrity is more important than personal behavior and the truth. Please don't reinforce the message by applying it to Mr. Clinton.''

''Bill Clinton's selfish desire to remain in office at all costs is a shinning example of why he should be removed. He's more interested in keeping his political power than in abiding by the law. I hope you will not make the same mistake.''

''In our country, no one should be above the law—we are all equal and have no monarchy.''

''As a twenty year-old Iowan from Cedar Rapids, I have always admired the way you have always took for setting standards in all that you do. That is why I am writing you Congressman LEACH, to not back down from those standards. I believe it is in the best interest of everybody, especially young people like me, for [you] to vote for impeachment of President Clinton.''

''This impeachment vote is a chance for you and your peers to be moral leaders and not poll readers.''

''I believe that Mr. Clinton needs his day in court. In this case, that court should be in the United States Senate. It seems that anything short of giving Clinton his right to a trial is an injustice.''

''I work in the nuclear power industry. We have a 'Fitness for Duty' regulation from the Nuclear Regulatory Commission. If I were to lie, or do anything that makes my integrity suspect, I could be fired. Why doesn't this president live according to the same standard? He is after all in charge of the entire nuclear arsenal of this country—I could only affect 1 nuclear power plant.''

''I have had to give depositions in product liability litigation and, although I would like to have told the plaintiff's attorneys that their questions were not relevant, I could not, and had to answer their questions truthfully. All of the questions put before Mr. Clinton in his deposition were legitimate and relevant to a citizen's legal grievance.''

''If Mr. Clinton's actions are allowed to stand unchecked by the remedy of the constitution, the office of the President is given extraordinary powers disproportionate to the other branches of government.''

''I also talk to my son about the laws of our land and about our government. When he asks what is happening to our president, I simply tell him that the president lied to all of us and that he lied under oath. He is in the Cub Scouts so he understands what an oath is.''

''Luckily, in both my military and civilian careers, I have worked for people of integrity and honesty. I have taken an Oath of Office to uphold and defend the Constitution of the United States and I wish you strength as you proceed with your constitutional duty.''

''I, too, am a Gulf War veteran and served my country with honor for five years as a Marine. Before induction, I took an oath to defend the Constitution, an oath similar to that of Mr. Clinton's. Rarely are we forced to choose between fulfilling our oath or betraying it for personal gain or survival. I chose to risk my life and live up to the obligations of my oath rather than disgrace it.''

''How much lying does it take before we call it lying? Do we accept the arguments of a man who apologizes profusely in the face of duress, but offers no admission of guilt and no apologies for lying to a grand jury? It is no longer about the president, it's about us.''

''Please vote to impeach. It would be much easier to vote no. But the long term effects on our country would not be favorable.''

''As a single mother I am trying to teach my children values. What kind of an example

do we have in the White House? For him it is OK to lie to us and apologize for it later. NO—Whatever he did compromised the people of the United States. It boils down to he lied and he did it under oath. Period.''

''To lie and cheat on your wife is a despicable offense but none-the-less a somewhat personal offense. To repeatedly perjure yourself in a court of law or in any legal setting is simply put, a crime to be punished. Toleration of Bill Clinton's offenses will only lead us down a path of mediocrity and moral degeneration.''

''I am the mother of four children to whom I have preached that they should never tell a lie because eventually it will become known and the punishment for a lie is far greater than the lie itself. They are grown up now and of voting age and they are telling me that a lie is okay because the President of the United States, our role model, got by with it. Is this the message that you want to send to the American people and the world?''

''This should be a lesson to any persons in high government, that no one is above the law in this country. This is what sets us apart from other nations. You cannot have two scales of justice.''

''As my representative, I urge you to not ignore the laws of this country. All are subject to them. Vote to impeach President Clinton.''

''The President has lied to a Federal Judge, a Grand Jury, and the American People. If he can lie to all these people without any consequences why should the rest of us tell the truth?''

''Not to proceed with [impeachment] is doing a great disservice to the rule of law in this country. It will effectively set a double standard.''

''If Mr. Clinton were a member of the armed forces, he would have faced a court martial and have been dishonorably discharged a long time ago. As the Commander in Chief of our armed forces, shouldn't he have to adhere to the same standards as those he supposedly commands?''

''I am a freshman at the University of Notre Dame and have been following the impeachment process occurring in recent days, and I feel it is imperative that we as an American people show the world that we will not tolerate disregard for the law in the highest levels of our government.''

''My wife and I are both teachers. How do we explain the fact that the President of the United States can lie—and get away with it. Please represent us by voting to impeach Bill Clinton.''

''If [the President] were to be placed under oath today in a civil suit, I'm sure he would still bend all credible interpretations of the truth, misrepresent, prevaricate, lie, and do whatever he could to escape being responsible for his actions. So for both my wife and I, we say impeach him; don't vote for censure.''

''With great hubris, President Clinton has continued to dissemble and obfuscate. He has used the awesome power of his office to mold public opinion. For the President to get by with his lying and abuse of power would be a dangerous precedent for our highest office.''

''The idea that all Republicans are just voting along party lines is disturbing. Democrats do the same. As a first grade teacher and parent of four sons (along with my husband) I feel anything short of impeachment is giving our youth the wrong message about right and wrong, truth and falsehoods, and marriage vows.''

''I don't believe in throwing out the baby with the bath water, but if you can't see how this president has hurt our country, our reputation for moral leadership in the world, how he has damaged my children's respect for the law and the office of president, etc., then you have completely lost my future votes.''

''We are horrified that sexual encounters, lying under oath and his consistent lying in general is tolerated. His example is tearing down the fabric of an already unstable moral and responsible society.''

''This may not rise to some Ivy League professor's impeachment bar, but remember they got Al Capone for tax evasion.''

''If he lied to us once, what's to stop him from doing it again. What makes you think his whole life isn't a lie . . . Get rid of him.''

''If the President can't control his private life, what makes you think he can the public's?''

''The basis of a civil society is truth. If we cannot trust the President, we cannot trust the government.''

AGAINST IMPEACHMENT

''I believe the crimes—if indeed there were crimes—do not fit the punishment.''

''I do not wish to condone President Clinton's behavior; but his actions were of a private nature, and Mr. Starr should never have asked him to reveal his private activities.''

''I am a kindergarten teacher as well as a single parent. How can you people feel good about yourselves knowing that impeaching a president over his private life is a higher priority than crumbling schools, hungry kids, people going without health care?''

''I understand the moral injustice that he has committed. I feel however it is time for things to come to an end, and this must happen before we put our nation into a greater tailspin of turmoil, economically, politically and with foreign matters.''

''As the vote in the Judiciary Committee demonstrates this is a partisan exercise with no pervasive support. The Founders did not contemplate a partisan impeachment of the President.''

''I'm sure you don't want to be part of a congress that will go down in history as pulling off the first bloodless coup in our history.''

''I look back in time to President Johnson right after the Civil War, and read about the type of things they tried to impeach him on, and wonder what will people think 50 or 100 years from now about the actions of our congress of today. Probably laugh when they discuss it.''

''Our household consists of two democrats and one republican. We are all in agreement that impeachment is not an appropriate action to take against our president.''

''If you impeach Clinton for this, you would have had to impeach 90% of our presidents.''

''Clinton has only two years to go. If he is removed from office, your party will soon face an incumbent Democratic president who will likely win re-election. Besides that, in terms of policy, Clinton is as good a Republican president as you could have found from within your own ranks!''

''He has degraded the judicial system. In a sense, however, he has merely been responding in a pragmatic manner to a judicial system that has already been degraded—in a more odious manner—by individuals and organizations that are willing and able to pursue their political agendas in a non-democratic manner through an endless series of lawsuits, investigations, and probes.''

''The Republicans are shooting themselves in the foot on this one and I dare say that perhaps that fact alone is probably the only good outcome of all of this.''

''I am a physician at the University of Iowa Hospitals. My father served in the legislature and my grandfather as the assistant attorney general of Iowa. I am writing to encourage you to vote against impeaching our president, a man elected by many of the same people that elected you.''

''I urge you to vote against the impeachment of the President. I voted against him twice. On the other hand, our party was twice outvoted in fair elections.''

''I have forgiven President Clinton.''

''Keep in mind that the appropriate methods of removing someone from office is at the ballot box except under very extreme circumstances!''

''That Kenneth Starr came back with no incriminating evidence against Clinton regarding Whitewater, Travelgate and Filegate underscores the desperate need Clinton's enemies had to pin something, anything, on him.''

''I believe the matters of his infidelity and its cover-up are something he and his wife and his God need to handle—not Congress. Please do not set such a dangerous precedent by voting to remove this resident from office. Let morality be taught at home and in the schools lest we begin to set standards no mortal can reach.''

''I predict if the House votes to impeach the President, the Republicans will suffer such defeats in the next election they will lose control of the House by a large margin, possibly the Senate and most assuredly a Democrat will be elected President.''

''I'm sure you are familiar with the term Pyrrhic Victory? This will be what the Republicans achieve if he is impeached.''

''I listen to Republicans talk about how children are going to believe that it is OK to lie if the President can, and that children in classrooms all over this country are talking about this and asking serious questions. I teach fifth grade in Davenport, Iowa, and I have a pretty astute group of students. Never has this subject come up, even though we have the Quad City Times delivered to our classroom daily.''

''The last time impeachment was voted out of the house, in 1868, a few Senators placed the good of the republic ahead of narrow partisanship. The few Republicans who broke with their party are honorably remembered as statesmen. An Iowan—Senator Grimes—was one those select few statesmen.''

''We urge you to vote no on all articles of impeachment. We feel that a censure and a fine would by far serve our country better than to put the country through the impeachment process. We need to put an end to this and get back to helping the country.''

''Many Republicans have already stated that they are voting for impeachment, knowing full well that the Senate will not convict, as a sever form of rebuke and censure of the President. This, Mr. Leach, is an abuse of power that trivializes the process for future Presidents, including Republican presidents.''

''President Clinton has behaved poorly and has provided poor moral leadership. However, I do not believe that the crimes that he is alleged to have committed merit impeachment. The House Judiciary Committee did a poor job in adding any additional information to what was contained in Ken Starr's report.''

''If there are truly grounds for impeachment, then they should be clear to us, the people of this country, and to both parties in Congress. This is not the case.''

''Impeachment under these circumstances would do permanent harm to the Presidency, to the balance of powers, and to our Constitutional system.''

''I feel strongly that the Republicans are misapplying the laws of our land, and that impeachment without strong bi-partisan support would be devastating for our country.''

''Based on the party line votes, I would not consider this an objective evaluation of the facts and history and precedents. It is an attempt by the majority party to invalidate

the electoral process and the will of the people.''

''We all recognize the farce conducted by the hard-line conservative right to destroy and overturn a duly elected President. It is nothing more than a Lewis Carroll version of court without an Alice! Absurd and ridiculous! Where is our sense of proportion in all of this?''

''While I do think that some sort of punishment is called for, I cannot see the wisdom of an impeachment vote. President Clinton was weak to be tempted as he was, and I wish that it had not taken place but what good will it do to impeach him and throw out all of his ideas.''

''With so many people asking Washington to move on, why must this drag on? The American people know that Clinton was wrong in what he did. He admitted that, it has been shown, so let's have our politicians get to more important issues.''

''I agree that some form of censure should be meted out, but to put the country through a lengthy impeachment process would be painful to the country and without merit.''

''While we are thoroughly chagrined and disappointed at [the President's] lying to family, friends, party and the American people, we sincerely believe that such action falls considerably short of the 'high crimes and misdemeanors' standard for impeachment.''

''Nullifying who the people vote in as President is very serious. I don't feel what he did rises to the threshold for impeachment.''

''To impeach this President is, to me, a terrible mistake. I do not condone what happened, but I believe he's human and, like everyone on this earth, he makes mistakes. I also believe it's human instinct to avoid the truth if you're married and having an affair. Censure is far more feasible a punishment.''

''Is this impeachment for crimes against the people or political hatred? All I see are Republicans using every method they can to impeach, then say it's the President's job to prove his innocence. Sounds backward to me.''

''I'm opposed to impeachment of the President. The allegations against him are not, in my opinion, 'other high crimes or misdemeanors' as required by the Constitution. W hile Mr. Clinton's actions may be reprehensible and are certainly incredibly stupid, removing a president from office for lying to the American people about sex is, in my mind, absurd.''

''This affair was brought about by an over zealous investigator-prosecutor who didn't know when to stop and President Clinton whose human failings overcame his common sense. President Clinton has brought disgrace and shame on himself, his family and his office. The opposition has been guilty of using every method to embarrass and remove him from office. What Clinton has done doesn't measure up to wrong done in Irangate when the White House totally disregarded Congressional direction and lied about trading arms for hostages. I urge you to vote against impeachment.''

''I believe President Clinton failed to act with the moral and ethics appropriate to his office or a person. However, I do not believe his actions directly affected his official duties and decisions. I also do not believe he abused the powers of the presidency to the degree necessary for impeachment.''

''Please vote no on the impeachment articles. President Clinton has made a fool of himself, but he has not misconducted himself in office. The prosecutor created the conditions for the alleged perjury and obstruction of justice by relentlessly pursuing the man into his most personal and private life.''

''I hope you separate yourself from the mob mentality. If you step back and use that Iowa common sense that I know you have, you will decide that though the President's actions are deplorable they do not rise to an impeachable offense.''

''Anyone who thinks what Clinton did rises to the standards that our forefathers set is really kidding themselves. How many presidents do you think have lied to the people. This lie did not hurt the people.''

''I believe President Clinton has already suffered an enormous penalty. Do not penalize the future of democracy by sending the impeachment process to the Senate.''

''I look at the waste of time and money on this and it makes me angry. I am not angry at President Clinton. I am angry at the system that would let it get this far.''

''It is, as they say, not about sex. But it is also not about perjury. It seems to me to be about raw political power.''

''If the Republicans continue to pursue impeachment, the American people will remember it at the polls.''

''To have to debate at length whether or not we should impeach a president, seems ipso facto a reason not to impeach: a shadow of doubt.''

''To regard Clinton's behavior, shameful as it is, as a threat to the country or the government, is ridiculous. He may be a bad example, but his difficulties should serve to keep others from his personal excesses.''

''I am watching the Republican party march in lockstep toward a Constitutional crisis that seems more motivated by personal angst against Clinton than by any true understanding of the Constitutional standard for impeachment.''

''While I realize that Congress has the constitutional right to overturn the will of the people, I don't feel that it has the moral right to do so.''

''It is inexcusable to tie up the business of government for months over such a trivial matter.''

''The facts don't justify capital punishment for this president.''

''Enough is enough. Please stop this witch hunt.''

''Some form of condemnation for the President's actions surely must take place, but not impeachment.''

''I have always respected you as a fair and open minded representative who is not afraid to go against party lines on many issues. Impeachment is very serious business as I am sure you are aware, and that if followed through to completion would nullify a democratic election of the people, the majority of which do not support his process.''

''It is not what the people want, not what the country or the world needs.''

''This is an attempt by the majority party to reverse the vote of the people and remove the President from office. This has to stop.''

''The Republican House leadership has no intention to find a solution to this situation short of embarrassing the President, destroying him, and driving him from office. That is not the kind of moral leadership this country needs. A strong statement of censure would accomplish what this country needs.''

''I believe censure to be adequate. Clinton has proved himself to be a friend to those who need assistance in the areas of disabilities and education the most.''

''Nothing the President did will harm the country nearly as much as an attempt by one party to throw out the other party's president.''

''Stop the impeachment. Be inventive. Be a leader.''

''We suggest that our nation desperately needs wisdom at this tremulous point in its history. We ask you to step forward, possibly at risk to your own place within the Republican party, to vocally and strongly challenge what the Judiciary Committee has set in motion. You would be serving the country greatly by an adamant refusal to get on a train that is single-mindedly heading down a track toward an unknown tunnel.''

''For the good of the country, vote against impeachment. Time to forgive and get on with the business of our country.''

''Don't bend to the partisan politics of the black and white moralist Republicans who claim this is a vote of conscience. It is obviously meant solely to get Clinton since it couldn't be done in a free and open election by the people.''

''I think most of us who voted for him were well aware of this flaw and that is why most Americans oppose impeachment. Despite this flaw, he seems to be leading the country quite well. Infidelities are unfortunately common and should be resolved within family units not over the mass media.''

''This biased and unjust process is perhaps the biggest threat to our democracy in our history. When a president is impeached it had better be for an extremely serious offense against our constitution or our country. There are many people who have stated that they will never vote again if their president is removed from office. When people lose faith in their way of government, that way is doomed.''

''I met Clinton when he came to Davenport during the record floods that we had several years ago and I know that he feels for the common person.''

''Don't let a minority take over the country. We elected Clinton twice, let him finish his mandate.''

''It is my belief our president, in his wrongdoing, has been the beneficiary of fewer rights than any citizen would have in a court of law. It's questionable and I think for the sake of this country we should give him the benefit of the doubt.''

''I have been a Republican all of my life. I do not like President Clinton and never have. However, I don not think these articles meet the intention of impeachment.''

''I'm afraid that many people knew about Clinton's shortcomings in the area of his private life and voted for him anyway because they thought he would be a good president, and he has been. If you feel it necessary to punish him, please consider voting for censure and let him finish off his term. I think the country would be better served that way. Let this be over, please.''

''The world looks to our country for stability. What good is going to come from an impeachment? Will the people benefit? Let the courts deal with him after his term.''

''The process has been very unfair. If there is no chance to vote to censure, the unfairness will continue. Can Trent Lott and Republicans who didn't want Nixon impeached, vote to now remove a Democrat president for lesser offenses?''

''Impeachment should have the support of a strong majority and overwhelming evidence of a crime so high or so specific to governing that there is no redress in the courts for it. Impeachment cannot go forward with any moral authority if it is borderline, or below, on reaching the high crimes level of importance. Impeachment on a purely partisan vote and without public support is just frightening.''

''If the nation is crippled by a Senate trial, I believe the public will hold the GOP accountable in the year 2000. Issues that matter to most Americans will surely be put on the back burner for a trial that will certainly turn into a circus. Vote against impeachment so that the next Congress can work on saving Social Security and helping the farmers in the Midwest among other pressing issues.''

''If the President deserved to be impeached there would be many Democrats supporting

this effort. There are not. Impeachment as a political tool will undermine our entire political system and next time it could be a Republican president being forced out of office at the hands of partisan Democrats.''

''every prosecuting attorney makes the decision on whether a case is sent to trial, based on many items including the probability of winning the case. A persecuting attorney who sends a case to trial with no probability of success will soon be voted out as over burdening the court system and wasting money. This case falls into that category. There appears to be no question of the outcome in the Senate, but to try the case would burden the Senate, the Supreme Court, the While House, and all other parts of the government that depend on them. It would send the country into turmoil and add an undue financial burden.''

''While I in no way condone Clinton's behavior, I don't believe it is in the best interests of the U.S. to have this issue consume our agenda for the coming year.''

''You have always had my vote because of your thoughtful and reasoned positions on the issues. Please continue in the face of this controversy. Many of the Republican members of the House seem to be out of control on this issue and as such are not serving the people.''

''Please do your best within the Republican conference to push for the opportunity to vote for censure and stop the ridiculous partisan behavior of some members of your party.''

''Although I am personally disgusted by his behavior and disappointed in his refusal to admit his errors, I do not believe that his actions rise to the level of impeachable offenses. If we set the standard for impeachable offenses at the level required by these articles, what president would be safe from future attack? I believe that the Founding Fathers intended impeachment to be a last resort against a corrupt and dangerous executive who poses a threat to the nation, not a routinely utilized method for attacking an executive whom congressional opponents find truculent.''

''I wish to urge you to stop this pure political impeachment. I hear you Republicans intend to vote your conscience. I am here to tell you that if you Republicans had a conscience, you would never have started this travesty. The only sin that is unforgivable is deliberate maltreatment of another human. If you do this you are setting your party to henceforth always be the minority. I for one will never again vote for a Republican if you succeed in this pure political impeachment. STOP IT TODAY!!!''

''This is the first I have sent an e-mail to any legislator. I implore you to please vote 'no' on the impeachment proceedings. I don't condone what he has done concerning Monica Lewinsky, but I don't feel he deserves to be thrown out of office.''

''The Republican majority of the Judiciary Committee has just flat refused to accept the apology of President Clinton.''

''This impeachment process is like a plot from George Orwell.''

''We know he is a person with negligible ethical sense, but we are also confident that he has not committed high crimes and/or misdemeanors that meet the level of impeachment. Please vote to end this nightmare.''

''Certainly what he did was awful but it was not a high crime or misdemeanor like treason or bribery.''

''Who among us has not done things which we are not proud of and have asked forgiveness from our family or our God. God forgives and it is time to admonish and forgive for the good of the country.''

''Shame on you for not standing up and stopping this shameful exhibition of party politics at the expense of our nation.''

''If 70% of the American people still approve of the job he is doing, I feel that as a representative of the people, there is only one way you can vote.''

''Clinton's actions were despicable and sophomoric, but this prolonged debate on impeachment is patently a rush to conviction.''

''President Reagan made more significant irreparable errors and caused harm to the United States in the Iran-Contra affair and he was not punished. President Reagan either lied or was the most stupid President our nation ever had. President Clinton did not cause harm to the United States.''

''I teach at the University of Iowa Law School I known there will be tremendous pressure on you from all sides on the impeachment vote. I just hope that, as you so often do, you stand up to it and vote a conscience that (a) supports censure, but (b) opposes impeachment because of its inconsistency, the dangerous precedent set by a partisan vote, the absence of fact-finding by the Judiciary Committee, the resulting impropriety of the House, essentially, serving as a mere conduit from the Starr report to the Senate, its imposition on the U.S. Senate, and the American people, of months of additional focus on issues which neither thinks are deserving of more money and time, and, deliberately last, its adverse impact on the political system.''

''Enough is enough!! I encourage you to work in whatever way you can to stop this impeachment movement.''

''I think that a yes-vote on impeachment shows more irresponsibility than Clinton's actions.''

''The President has done a fine job in governing the country and I do not feel that the private acts that have been focused on have any bearing on his ability to do the job.''

''I fear that the outcome of this impeachment will be that future president will be perceived as having fewer rights under the law than ordinary citizens, that in the future presidents—and other public officials—will be perceived as obstructing justice any time they are deemed insufficiently cooperative in their own destruction by legal proceedings.''

''You're a lame-duck Congress and you're about to impeach the president on a party-line vote, over clear public opposition. It reflects much worse on you than on Clinton.''

''This is not a high crime or misdemeanor. Rather it is a collateral, personal matter involving circumstances the founders did not contemplate as a Constitutional matter. * * * A lawyer cannot allow a client to admit to a crime. The President's defense under the law relates to arguments of materiality and ambiguity.''

''In my line of work [acting] no one thinks this is right. * * * The President needs to follow lawyers so he won't be jeopardized when he leaves office * * * He's been humiliated enough.''

''I'm calling as a friend of Hillary and as one in charge of providing opposition to you * * * I ask for your independent judgment. It is simply clear that this may be a Presidential embarrassment but it is not an impeachable matter.''

''The Republicans are hypocrites. They have Clinton envy.''

''The Republicans talk righteousness but their motives are partisan.''

''Ken Starr is as guilty as Clinton. Maybe more so because he makes me wonder if the F.B.I. can be asked to bug the President's private life, they can be asked to bug mine * * * I never dreamed of entrapment. Now I fear it.

''I do not believe in divorce * * * or impeachment.''

''Impeachment for lying about sex * * * you gotta be kidding!''

''If these articles pass, then virtually any future lack of presidential candor will be available as an excuse for one party in Congress to overturn the previous presidential election * * * the President's misconduct was neither a genuine attempt to undermine the judicial system, nor a corrupt deployment of executive power to unlawful ends. Absent serious criminality, presidential deeds that are virtually irrelevant to the conduct of the presidency cannot amount to ''high crimes and misdemeanors'' warranting removal * * * there is no variety of high crime or misdemeanor that legally obligates the House to impeach. Impeachment is always an exercise of the House's judgment and discretion. The matters about which President Clinton allegedly lied are trivial with regard to the conduct of the Presidency. Impeachment based on the statements involved will legitimate every future effort of one party in the House to impeach a President for alleged untruthfulness, without regard to seriousness or context.''

''While the President is clearly a scoundrel as far as his personal behavior goes, and he has lied about it to everyone including the courts, this simply does not rise to the level requiring his removal from office.''

''Many of us who voted for Bill Clinton understood that he was running for President and not the pope. We all have a right to privacy and I feel that everyone deserves privacy when it comes to intimate matters (not affecting the state).''

''If this behavior is impeachable, then the bar has been placed so low that voyeuristic, salacious invasions of privacy of elected officials will become the commonplace, and impeachment hearings the tool of parties disappointed at the ballot box.''

NEUTRAL

''Vote your conscience on impeachment. I will support you no matter what your vote.''

''The issue is simple, Congressman. Make your decision solely on what you think you can defend to your kids.''

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. METCALF).

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

Mr. METCALF. Mr. Speaker, I rise in support of the impeachment resolution.

Mr. Speaker, my prayers go out to the servicemen and women and their families during this difficult time, including the EA6–B squadrons from Whidbey Island, in my district, that are actively participating in operation Desert Fox. I am proud of them. They are professionals in every sense. I'm sure their ability to execute their missions will not be affected by our sad deliberations here. They know where their support comes from.

President Clinton is a tremendously talented individual. Working with him, we have achieved many fundamental reforms. We succeeded in dramatically reforming welfare, and over 3 million people have now moved to productive work. We restored the highway trust fund providing record investment in safety and infrastructure. And we forced accountability on the IRS. All of these things we did together—A Republican majority and Democratic President. I have personally met with the President on vital issues before this nation and I agree we must forgive the President.

I will vote for the articles of impeachment with a heavy heart but a clear conscience. The President has perjured himself before a federal grand jury. The central principle that

defines this nation is the rule of law. I cannot walk away from my duty to hold the President accountable for his actions. I cannot hold the President to a lower standard than the federal judges who have been impeached and American citizens who have been imprisoned for the crime of perjury.

The President should follow his own suggestion during the Watergate trial. Bill Clinton said of President Nixon in 1974: ''I think the president should resign and spare the country the agony of this impeachment and removal proceeding.''

I regrettably urge the President to save this nation further pain and resign.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I was just talking to my dear friend, the gentleman from Michigan (Mr. CAMP) about how uncomfortable this situation is for all of us. Why is it that we are here? We are here because of our commitment to the rule of law and we are here because a great deal of courage has been demonstrated by a lot of people.

President John F. Kennedy wrote a chapter in ''Profiles in Courage'' about Senator Edmund G. Ross, who stood against public opinion and did what he thought was right. And I will tell you, there are an awful lot of Members in this Congress who are doing the exact same thing.

I want to congratulate the gentleman from Illinois (Mr. HYDE) and all of the members, frankly, on both sides of the aisle of the Committee on the Judiciary for the hard work and effort that they have put into this process. We are doing this because we subscribe to the Burkean view that your representative owes you not his industry only but his judgment as well. And he betrays rather than serves if he sacrifices it to your opinion. This is about justice and the rule of law. Vote in favor of these articles.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, this is truly a troubling and difficult time for America as well as for each and every one of us in this august body. The history of this Nation has clearly shown over the past that it is reluctant, as it should be, to remove any individual duly elected by a vote of the American citizens, and this is not an easy task. It is not one that is done with any joy.

But it is my responsibility, along with everyone else in this room, and should be done with the material, the evidence and the charges brought to it. Like each of you, I take this very seriously.

It is not my duty to judge this President nor the fate of his term in office. That is left to the United States Senate. The Committee on the Judiciary has brought charges to the full House of serious allegations against Bill Clinton, which include perjury, obstruction of justice and efforts to suborn perjury, serious charges which I have poured over, studied and reviewed and have come to the conclusion that they are true. They are in violation of the laws of this land, the laws that the President has sworn to uphold.

To all of my colleagues, let me say that impeachment is the strongest form of censure in the United States. No person is above the law.

For only the third time in the history of our nation, members of the United States House of Representatives are being asked to consider Articles of Impeachment against a sitting president. For only the second time in the history of our country, the Judiciary Committee has brought these charges to the full membership of the House of Representatives to consider and duly vote upon their merits. The history of our nation clearly demonstrates a reluctance, as it should, to remove any individual duly elected by the citizens of America.

This is not an easy task. It is not done with any joy—but it is done with the knowledge that it is the responsibility of the United States House of Representatives to carry out the duties outlined by the framers of our Constitution. It is my responsibility, along with my colleagues, to decide what should be done with the material and evidence brought to it. I take this responsibility seriously: I take it with the full knowledge that our actions, as well as those alleged of our President, will be in the history books of our nation for hundreds of years.

It is not my job to judge the President; the framers of our Constitution gave that role to the United States Senate. It is not my duty to ultimately decide the fate of this President's term in office; that, too, is the obligation of the United States Senate. It is however, my duty and responsibility to determine (1) if the charges brought before this body constitute impeachable offenses and (2) if sufficient evidence exists to warrant bringing the President to stand trial in the Senate on those charges.

The Judiciary Committee has brought to the full House serious allegations against President Bill Clinton. They are allegations which include perjury, obstruction of justice, and efforts to suborn perjury on the President's part. Such actions are not simply ''personal wrongs.'' They are in violation of the laws of this land, the laws that the President has sworn to uphold.

President Clinton has talked numerous times about the average American who works hard and plays by the rules. That is what this impeachment proceeding is about. In the United States, no person is above the law. Not the President, not myself, not the people who send us here. No one is above the law.

I truly hate the idea of putting this country and its citizens through an impeachment proceeding. I know that the process distracts us from other duties. I know that casting a vote for impeachment is a serious and somber matter. However, the Constitution requires a specific course of action when charges like this are made and brought before the House of Representatives. Therefore, I must follow through with this because I believe it is the right thing to do.

Unfortunately, accusations of partisanship have clouded this process. But, clearly, the rule of law in our country is more important than any political party or any single individual, including the President of the United States.

Moreover, I recognize that impeachment is never politically popular. But the day I let polls and popularity overrule my judgement and the way I vote is the day I leave Congress. Over 30 years ago, another President wrote a book titled ''Profiles in Courage'' about eight members of the Senate who didn't do the ''politically popular thing.'' The New York Times called his book ''A thoughtful and persuasive book about political integrity.'' Political integrity must win over political popularity. Over 130 years ago, President Abraham Lincoln certainly didn't do the ''politically popular thing'' when he signed the emancipation proclamation, but he did what was right and just for America.

I am drawn to a quote that was made long ago by William Penn, who said: ''Right is right, even if everyone is against it. Wrong is wrong, even if every one is for it.'' And, just an importantly, my Mother always told me: ''The truth is the truth, a lie is a lie, and not for long do they exist side by side.'' Justice, like integrity, must always take precedence over popularity.

The House Judiciary Committee has brought four Articles of Impeachment against Bill Clinton for the full House to decide. And throughout the course of this process I have judiciously and thoroughly reviewed all of the available evidence, researched the law, studied the Constitution, talked to legal scholars, attorneys and judges, and most importantly, listened to the constituents of the Second Congressional District of Nevada. Only after a great deal of reflection and thoughtful deliberation have I concluded that the following is the right course of action for the people I represent, the State of Nevada and the future of America:

I will vote for Article 1 of the Impeachment Resolution, because there is sufficient evidence to believe that President Bill Clinton willfully provided false and misleading testimony to the grand jury and the United States Congress. And that his perjury undermined the integrity of the office of the President, brought disrepute on the Presidency, betrayed his trust as President, and subverted the rule of law and justice of the American people; and,

I will vote for Article 3 of the Impeachment Resolution, because the evidence is sufficient to conclude that President Bill Clinton knowingly and wrongly encouraged witnesses to give false and misleading testimony, attempted to secure employment for a witness in order to prevent the truthful testimony of that witness, engaged in and supported a scheme to conceal evidence that had been subpoenaed by a federal court. Through his conduct, President Bill Clinton attempted to obstruct justice in a manner subversive to the rule of law that has brought disrepute on the Presidency and undermined the integrity of his office; and,

I will vote for Article 4 of the Impeachment Resolution, because there is substantial evidence that President Bill Clinton misused and abused his office in failing to respond, and by making false and misleading sworn statements in response to written requests as part of an authorized inquiry by the Congress of the United States. And that his misuse and abuse of his office and power has brought disrepute of the Presidency, betrayed his trust as President, subverted the rule of law and justice, all to the manifest injury to the people of the United States; however,

I will not support, nor vote for Article 2 of the Impeachment Resolution, simply because I do not believe that the false and misleading testimony of President Bill Clinton in the Paula Jones lawsuit constitutes an impeachable offense as defined by the Constitution.

The rule of law is paramount in America. Each and every one of us must abide by and play by the rules. It is my belief that there is sufficient evidence that clearly demonstrates this President has not. Therefore, I conclude, reluctantly that these charges should be considered by the United State Senate.

This vote has not been an easy decision on my part. But, I was not elected to the United States House of Representatives to make the easy decision. However difficult this decision is, it is a vote I cast as a matter of conscience in the belief that no person is above the rule of law in our nation.

Mr SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CAMP).

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

Mr. CAMP. Mr. Speaker, under our Constitution, it is our duty and solemn task to examine this matter in a way that will ultimately lead to the truth. After reviewing the evidence, I will vote in favor of impeachment.

Lying under oath, obstruction of justice and abuse of office are all very serious acts that should not and cannot be ignored. It is my firm belief the President has undermined the integrity of his office and brought dishonor and disrepute on the Presidency of the United States. He has denied Congress and, most importantly, the American people an opporutinty to reach the truth. The truth is the foundation of our legal system. This foundation has been eroded by the President and his actions, and my conscience does not allow me to play a role in the continued deterioration of this system.

This vote is between what is right and what is wrong. I cannot send a message to our children that would tell them it is OK to lie even if you are the President of the United States.

Mr. Speaker, we have been given the solemn task of conducting impeachment hearings regarding the conduct of President Clinton. It has been a difficult process. However, under our Constitution, it is our duty and solemn task to examine this matter in a way that would ultimately lead us to the truth.

After reviewing all the public statements and legal documents, I will vote in a favor of impeachment. Lying under oath, obstruction of justice and abuse of office are all very serious acts that should not and cannot be ignored. It is my firm belief the President has undermined the integrity of his office and brought dishonor and disrepute on the Presidency of the United States of America.

He as denied a committee of the United States Congress, the House of Representatives and most importantly the American people, an opportunity to reach the truth. The truth is the foundation of our great legal system. This foundation has been eroded by the action of our President and my conscience does not allow me to play a role in the continued deterioration of this system.

We cannot ignore the facts of this difficult case. By doing so, we would set a dangerous precedent for generations to come. This vote is between what is right and what is wrong. I cannot send a message to our children that would tell them it's ok to lie if you are the President of the United States. This would not be fair for their future or the future of our great country.

This is a trying time for our Nation but it is one that was envisioned by our Founding Fathers. It is my hope this entire process will soon be resolved and the strength of our Constitution and the rule of law will prevail in the final outcome.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

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

Mr. SHERMAN. Mr. Speaker, in 1973, the House Committee on the Judiciary concluded that it could not impeach Richard Nixon for tax perjury, even though Nixon fraudulently signed this 1969 tax return under penalty of perjury. It then established a precedent, with then Congressman TRENT LOTT concurring, that impeachment of the President is not warranted except for misconduct dangerous to the constitutional system.

Some have erroneously claimed that the committee lacked sufficient factual evidence. I have distributed to all Members an exhaustive analysis of the 1974 hearings. The reason the Committee on the Judiciary rejected the tax article of impeachment against Nixon was set forth in 1975 by the very member of the House Committee on the Judiciary who authored the tax article. And he said, most opponents of the tax article felt that the willful tax evasion did not rise to a level of an impeachable offense requiring the removal of the President.

Mr. Speaker, I would call this House a kangaroo court but that would be an insult to marsupials everywhere.

Mr. Speaker, let me address the two issues that are on the minds of Americans today.

As to our action in Iraq, the President is doing the right thing, at the right time, for the right reasons. That is why taking action at this time is supported by the Republican Secretary of Defense, by the Joint Chiefs of Staff, and the British Prime Minister—none of whom would risk the lives of American and British troops for the President's political purposes.

Yesterday some extremists, blinded by partisanship, made statements impugning the President's motives—statements which unintentionally gave aid and comfort to the enemy. I am pleased that some have apologized for, or have withdrawn, their unfounded insinuations.

As to these Articles of Impeachment, the partisan House majority is doing the wrong thing, at the wrong time, for the wrong reasons.

This House is doing the wrong thing because the Majority is ignoring the precedent established in the Nixon Impeachment Hearings.

In 1974 the House Judiciary Committee concluded that while there were other reasons to impeach Richard Nixon, it could not impeach him for tax perjury—even though he fraudulently signed this 1969 tax return under penalty of perjury. It reached this conclusion based on the correct legal principle, which it established as precedent. That principle is: The impeachment of the President is not warranted except for misconduct dangerous to the system of government established by the Constitution.

Some have claimed that in 1974 the Judiciary Committee lacked sufficient factual evidence of Richard Nixon's tax perjury—but this is not the case. I have reviewed the record of the 1974 hearings, and statements made in 1975, and described these in a five page letter distributed to all Members this morning—and I will make that letter part of these remarks.

The reason the Judiciary Committee rejected the Tax Article of Impeachment against Richard Nixon was set forth in 1975 in the Georgetown Law Journal where Edward Mezvinsky, the very member of the Judiciary Committee who authored the Tax Article of Impeachment against Nixon wrote: ''Most opponents of the tax article felt that willful tax evasion did not rise to the level of an impeachable offense requiring the removal of the President.''

The House Majority has required us to address impeachment at the wrong time. The next week is critical for American diplomacy to secure international support for our efforts against Iraq, so that we can get the landing rights our troops need. The Republican Majority insists that we deal with this matter now because they want to use raw political power to insure what they call a matter of conscience is determined by lame duck consciences.

Now I understand their partisan desire to achieve a political result before the new Congress takes over on January 3. But what I don't understand is this: Why didn't we adjourn today and convene on December 29th—and thereby give our diplomacy the time it needs to line-up allies?

And the House Majority is doing all this for the wrong reasons.

The majority promised this matter would be decided on the merits, according to conscience. But we all know Colleagues who have had one arm twisted to affect their vote on impeachment, and the other arm twisted to ensure their silence about the twisting of the first arm.

And while we are told this is a matter of conscience, many of us are denied the opportunity to express our conscience, because we are not being allowed to vote on a resolution of censure.

It is argued that we cannot constitutionally censure the President. But in 1834 a U.S. Senate censured President Jackson. That Senate was comprised of individuals who had been actively involved in the process of ratifying our constitution. The men and women who lived through the adoption of our Constitution never doubted for a moment that it was constitutional for either House to censure a President.

This Majority ignores the standards of impeachable offenses developed in the 1974 Nixon Impeachment Hearings. This Majority, through its timing of these hearings, places partisanship over the need to use diplomacy to secure landing rights necessary to minimize American casualties. And this Majority denies Members the right to vote for censure, as their consciences dictate.

Mr. Speaker, I would call this House a kangaroo court, but that would be an insult to marsupials everywhere.

DECEMBER 17, 1998.

NEWS FLASH 1974: JUDICIARY DETERMINED LYING UNDER OATH IN PRIVATE MATTER IS NOT IMPEACHABLE—A REVIEW OF NIXON TAX PERJURY ARTICLE

DEAR COLLEAGUE:

SUMMARY

In 1974 the Judicary Committee established a precedent that a crime committed in private life (i.e., Richard Nixon's tax fraud) does not warrant the impeachment of the President. 1969 tax fraud, the Committee was swayed principally by the legal principles defining an impeachable offense, not by the lack of factual evidence against Richard Nixon.

The crimes which the Judicary Committee found did not warrant the impeachment of President Nixon are virtually identifical to the two perjury charges against President Clinton.

DETAILED ANALYSIS

President Nixon knowingly filed a 1969 tax return which fradulently claimed that he had donated pre-presidential papers before the date Congress eliminated the charitable tax deduction for such donations. President Nixon, knowing his return was false as to this $576,000 deduction, signed his name under the words: ''Under penalty of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete.''

In July 1974 Edward Mezvinsky (D–IA), a Member of the House Judiciary Committee, introduced an Article of Impeachment alleging that President Nixon had signed ''Under penalty of perjury'' a tax return which Nixon knew was false. While Mezvinsky argued that filing the tax return was an abuse of public power because Nixon knew his red-flag $576,000 deduction would not trigger an audit because he was President. However, most Committee members believed that Nixon's false tax return was a ''personal,'' non-governmental crime, and thus did not warrant the impeachment of the President.

The Judiciary Committee voted 26 to 12 against impeaching Nixon for his false tax return.

Technically, Nixon committed ''tax fraud'' not ''perjury'' and was subject to prosecution under the Internal Revenue Code. Yet Nixon's crime (covered by his pardon) was almost identical to the perjury of which Clinton is accused (and is referred to here as ''tax perjury'')

1. Nixon signed a document under the words ''Under penalty of perjury, I declare * * *.''

2. He presented false information to a federal agency.

3. Nixon lied when he had a legal obligation, enforceable by federal felony statutes, to tell the truth.

4. Nixon's false statements related to a private matter—his personal liability for federal taxes. (Clinton testified regarding his personal liability to Paula Jones.)

5. Nixon ignored the ''rule of law'' and his legal obligation to tell the truth.

Some have argued that the Judiciary Committee did not pass a Tax Perjury Article of Impeachment against Nixon only because the facts were unclear. A review of the Committee Report shows that some members thought the factual evidence against Nixon was weak, while other Members thought that a criminal act in the conduct of personal affairs did not warrant the impeachment of the President. (See attached excerpt.)

Most of the Members of the Judiciary Committee did not speak on the record on the Tax Perjury Article. So how are we to know the reason for their vote and the precedent the 26 to 12 vote established

The person most aware of the reasoning of the Committee Members regarding the Article is its author Edward Mezvinsky (D–IA), who lobbied his colleagues on both side of the aisle to get his Article adopted. I called Mr. Mezvinsky yesterday and talked with him at length about his efforts in 1974 to convince his colleagues to vote for his Article. He told me that the clear majority of those who voted against his Article did so because they concluded that a crime committed in private life, which did not relate to an abuse of Presidential power and was not as heinous as murder or rape, did not warrant the impeachment of a President.

Mr. Mezvinsky is a Democrat. Is he remembering or interpreting the vote on his 1974 Article of Impeachment to establish a precedent favorable to our current Democratic President? Has his memory faded with time over the last 24 years?

Fortunately, in 1975 Mezvinsky wrote an article for the Georgetown Law Journal describing the thought process of his colleagues and providing a contemporaneous statement of the legal conclusions reached in 1974 by the Judiciary Committee.

Mr. Mezvinsky first explains the staff guidance the Committee received, and then the conclusion of the Members of the Committee, which followed that guidance. ''The staff nevertheless injected a requirement of substantiality into the impeachment formula: to constitute an impeachable offense, presidential conduct must be 'seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office.' [Staff of the Impeachment Inquiry, House Comm. On the Judiciary, 93rd Cong., 2nd Sess., Constitutional Grounds for Presidential Impeachment 26–27 (Comm. Print 1974).]''

* * * * *

''Most opponents of the Tax Article felt that willful tax evasion did not rise to the level of an impeachable offense requiring removal of the President.''—Edward Mezvinsky, Georgetown Law Journal, 1975, Volume 63: 1071 at pages 1078–1079.

The record on the Nixon impeachment process further supports the conclusion that impeachment of a President is warranted only for an offense against our very system, an offense subversive of the government itself.

A memorandum setting forth the views of certain Republican Members (including current Senate Majority Leader Trent Lott) of the Judiciary Committee in 1974 similarly emphasized the necessarily serious and public character of any alleged offense: ''It is not a fair summary . . . to say that the Framers were principally concerned with reaching a course of conduct, whether or not criminal, generally inconsistent with the proper and effective exercise of the office of the presidency. *They were concerned with preserving the government from being overthrown by the treachery or corruption of one man*. . . . [I]t is our judgment, based upon this constitutional history, that *the Framers of the United States Constitution intended that the President should be removable by the legislative branch only for serious misconduct dangerous to the system of government established by the Constitution*.'' [Nixon Report at 364–365 (Minority Views of Messrs. Hutchinson, Smith, Sandman, Wiggins, Dennis, Mayne, Lott, Moorhead, Maraziti and Latta) (final emphasis added).]

CONCLUSION

A 1975 law journal article tells the story. In 1974 a Judiciary Committee, dominated by Democrats, was confronted with a President who had lied on a tax return signed ''under penalty of perjury.'' That crime dishonored President Nixon, undermined respect for law, and called into doubt Mr. Nixon's credibility on public matters. However the Committee applied the following formula: seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office.

That same standard should be applied to President Clinton. The first two articles allege that President Clinton lied ''under penalty of perjury'' and through that action undermined respect for law, and his own credibility and honor. Yet President Clinton's actions do not warrant the impeachment of a President under the standards formulated by the Judiciary Committee in 1974 and applied by most Committee Members in rejecting the Tax Perjury Article of Impeachment against Richard Nixon.

I urge you to follow the standard enunciated and followed by the Judiciary Committee in 1974 and reject the first two Articles of Impeachment against President Clinton. I hope you will also join me in voting against the third and fourth Articles as well.

Very truly yours,

BRAD SHERMAN.

EXCERPTS FROM HEARINGS OF THE HOUSE JUDICIARY COMMITTEE, JULY 1974, ON AN ARTICLE OF IMPEACHMENT OF RICHARD M. NIXON, DEALING WITH TAX FRAUD/TAX PERJURY

Mr. Railsback (R–IL)—I suggest that there is a serious question as to whether something involving his personal tax liability has anything to do with his conduct of the office of the President. (Pg. 524).

Mr. Hogan (R–MD)—The staff report on grounds for impeachment makes clear, and I am quoting: ''As a technical term high crimes signified a crime against the system of government, not merely a serious crime. This element of injury to the commonwealth, that is, to the state itself and the Constitution, was historically the criteria for distinguishing a high crime or misdemeanor from an ordinary one.'' (Pg. 541)

Mr. Mayne (R–IA)—. . . even if criminal fraud had been proved, then we would still have the question whether its a high crime or misdemeanor sufficient to impeach under the Constitution, because that is why we are here, ladies and gentlemen, to determine whether the President should be impeached, not to comb through every minute detail of his personal taxes for the past six years, raking up every possible minutia which could prejudice the President on national television. (Pg. 545)

Mr. Waldie (D–CA)—I speak against this article because of my theory that the impeachment process is a process designed to redefine Presidential powers in cases where there has been enormous abuse of those powers . . . And though I find the conduct of the President in these instances to have been shabby, to have been unacceptable, and to have been disgraceful even, I do not find a presidential power that has been so grossly abused that . . . [it is] . . . sufficient to warrant impeachment. (Pg. 548)

Mr. Thornton (D–AR)—I think it is apparent that in this area there has been a breach of faith with the American people with regard to incorrect income tax returns . . . But it is my view that these charges may be reached in due course in the regular process of the law.

This committee is not a tax fraud court, nor a criminal court, nor should it endeavor to be one. Our charge is full and serious enough, in determining whether high crimes and misdemeanors affecting the security of our system of government must be brought

to the attention of the full House . . . (Pg. 549)

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman in Oregon (Ms. HOOLEY).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I am sick at heart as I stand before this body today. I believe in this institution of self-government and that good people can disagree on issues and that we must respect that disagreement.

But I believe in order to have legitimate self-government that the process of making institution's decisions must be fair, and I am frustrated with a process that is not fair and that will not allow some of us to vote our conscience, a vote on censure.

Under the guise of rebuilding the public trust, this body is tearing it down.

The vast majority of Americans are also frustrated by the process. They want this to be over with and they have expressed their support for a bipartisan solution, a vote on censure. What they do not want is for us to make a decision of this historical magnitude purely on a partisan basis.

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It is very clear to me that the President's actions were wrong. But I do not believe that they rise to the level of crimes against the state that the Constitution requires in order to impeach. We are not voting to protect our democracy from clear abuses of power. We are voting on misleading and lying statements relating to a private matter. It is wrong. It is reprehensible. But it is not impeachable.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. POSHARD).

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

Mr. POSHARD. Mr. Speaker, as a young father, I learned something about raising my children. I learned that there had to be rules and the rules had to be enforced and if my children chose to break the rules, they had to be allowed to experience the consequences of their choices. I did my children no favor if I allowed them to escape those consequences.

But I learned some other things, things that were just as important as enforcing the rules to the letter. I learned that if a child disobeys and the punishment is so much more severe than the offense that we make an enemy out of that child. We may win the power struggle but everything we hope that child will learn by enforcing the rules with such severity will be lost.

This principle never changes, even among adults. That is why we need a censure here with appropriate punishment. The Nation knows that we have overreached in this situation. If we have appropriate punishment, we can learn, we can maintain respect and we can move on as friends and not enemies.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Speaker, I do think at this point we perhaps need to go back to the basics. I keep hearing that somehow we are going to abrogate a vote.

What we have before us are four articles. The question is whether or not the facts examined by the Committee on the Judiciary meet the articles. I think anyone who looks at the information will clearly reach the conclusion that, in fact, the facts are not friendly.

The question is, do oaths mean something? I think they do. Should oaths mean something to the most powerful person in the United States? I think they should.

The President had one opportunity not to lie. He had a second opportunity not to obstruct justice. He had a third opportunity. At any number of turns, the President of the United States would not have required us to be in the position we are in tonight.

The question is simply, do the facts rise to the articles? We do not remove him. We simply agree.

Mr. Speaker, the matter before us is not about a private matter as most of my colleagues on the other side of the aisle have been alleging for eleven months and throughout the debate today. This debate concerns they very foundation of our system of government.

I urge my colleagues to think long and hard about what we are doing in this hallowed chamber. We have been charged by the American people, our constituents, to serve to the best of our abilities swear to uphold the Constitution. It is our duty to defend the laws and the rule of law and this is what we are debating here today.

The House Judiciary Committee, under the able leadership of Chairman HENRY HYDE, reviewed 60,000 pages of sworn testimony, grand jury transcripts, depositions, statements, affidavits as well as video and audio tapes that they used to build a case and provide ample evidence for four Articles of Impeachment. I have read this report and agree with their findings.

The Framers provide us with a guide, the Constitution. The Judiciary Committee found that the President has indeed lied under oath, obstructed justice and abused the powers of his office. Impeachment is the Constitutional remedy.

The rule of law is paramount to our system of government. Should the President of he United States be exempt from this standard? Should he be granted special treatment? Lying under oath lands other Americans in jail. The President is not above the law.

William Jefferson Clinton has twice taken the oath of Office of President of the United States where he swore to faithfully execute the office and to the best of his ability "preserve, protect and defend the Constitution of the United States." President Clinton has broken this solemn oath.

If the House indeed passes one or several Articles of Impeachment to the Senate, I renew my call to President Clinton to resign for the good of the country.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

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

Mr. HOEKSTRA. Mr. Speaker, today we are faced with strong evidence that the President lied after swearing an oath to tell the truth. We have only one legitimate remedy in front of us, impeachment. So with great remorse, I will vote in favor of impeachment.

Some people have said that impeaching the President is an extremist or radical position. To those people I must ask, is holding the President accountable for his actions extremist? Is expecting the President to tell the truth radical?

I submit to this House that the rational position and the moderate position is to hold the President of the United States as we would any other American accountable to the law. Impeaching the President is something none of us should take lightly. However, neither should we shirk our duty to uphold the laws of our country and hold the President accountable for violating those laws and abusing his powers.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. SUNUNU).

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

Mr. SUNUNU. Mr. Speaker, I rise today in support of the constitutional principle that every American is guaranteed equal protection under the laws of the United States.

As our Nation's chief executive, the President is charged to defend the Constitution and ensure a legal system that is untainted by perjury, by obstruction, and by witness tampering. These are crimes against the state and they strike at the heart of our judicial system and undermine its essential integrity.

To defer accountability for these actions would be to hold the single individual above the law and outside the boundaries of our judicial system. Some Members who wish to avoid casting a vote on impeachment remind us that the President would still be subject to criminal prosecution and they have included this reference in a meaningless censure resolution.

But this raises the troubling question, how can an individual that has committed an act that warrants a prison term be fit to serve as president? Others have argued that we should compromise principles in this case. But I say, if we cannot stand on principle in matters of truthful testimony, when will we ever stand on principle?

In his actions, the President has undermined his oath of office and undermined the rule of law. I will support the articles of impeachment.

I rise today before my colleagues, mindful of the difficult task before us and the strong emotions that mark the differences in opinion regarding the grave and solemn matter of Impeachment.

Two hundred and twenty-two years ago our country was founded upon the fundamental principle that ''all men are created equal,'' and, therefore, that no individual is above the law. In applying our Nation's laws equally to all citizens, the integrity of the judicial system is protected by the requirement that all witnesses swear an oath to testify truthfully and fully before the Court.

As our Nation's chief executive, the President is charged to ''preserve, protect, and defend the Constitution of the United States,'' the document which establishes this framework of justice for all. He carries a unique responsibility to protect the preeminent rights granted by our Constitution including the guarantee to a fair trial before a jury of one's peers and a legal system untainted by the corrupting influences of perjury, obstruction, or witness tampering. These very crimes, of which President William Jefferson Clinton now stands accused, strike at the heart of our judicial system and undermine its essential integrity.

Against these allegations and during the past eleven months, the President has been given every opportunity to deal fairly and honestly with the American people and with the Courts of the United States. In public statements, in a sworn deposition, in grand jury testimony, and in written responses to the House Judiciary Committee, he has been called upon to provide a full and truthful account of facts pertaining to charges of obstruction of justice, tampering with grand jury witnesses, and perjury. He has failed at every turn. Instead, the President has lied to the American people, lied to the Federal Court, and lied to a grand jury about key material facts. Moreover, the President has offered no information or testimony contradicting the evidence of these crimes outlined in the Independent Counsel's Impeachment Referral and Judiciary Committee Report.

And so we have before us, the matter of the Impeachment of our President. The constitutional standard for impeachment of ''high crimes and misdemeanors'' is a broad one by design. In the Federalist Papers, it is described in greatest detail by Alexander Hamilton, writing that ''The subject of [impeachments] jurisdictions are those offenses which proceed from the misconduct of public men, or in other words, from the abuse or violation of some public trust.'' Protecting the integrity of government and ensuring accountability of public officials were of paramount concern.

Given the breadth and weight of documented evidence against the President on the substantive issues before the House, I am compelled to vote in favor of the Articles of Impeachment presented here today. The evidence documented in the Impeachment Referral and Judiciary Committee Report describes an extensive pattern of behavior designed to obstruct justice and mislead federal prosecutors. The President has displayed particular contempt for our legal system and the American people in several specific areas:

In his deposition and testimony in the case of Jones v. Clinton, the President demonstrated a contempt for the judicial system by committing perjury and allowing a false affidavit to be entered into the court record.

In his testimony before a federal grand jury, the President committed perjury.

With full knowledge that subpoenas for physical evidence had been issued, the President participated in a conspiracy to obstruct justice by encouraging witnesses to hide evidence.

After he knowingly provide false testimony before the court, and identified Ms. Betty Currie as a corroborating witness, the President attempted to intimidate her into providing false testimony.

The President repeatedly and unequivocally lied to the American People about matters under investigation by the Office of the Independent Counsel.

These acts are not merely technical violations of Federal Law; they demonstrate a broad and consistent pattern of behavior designed to corrupt our system of due process. To withhold or delay swift and appropriate action would be to hold a single individual above the law; and, herein lies the tragic precedent which a vote against impeachment creates. A vote against impeachment holds a single individual to a unique standard, above all other citizens, and outside the boundaries of our judicial system.

Some members who wish to avoid casting a vote for impeachment remind us that the President will still remain subject to criminal indictment. In fact, they have included reference to such prosecution in a meaningless ''censure'' resolution offered before the Judiciary Committee. This serves only to raise the troubling question: How can an individual who has committed a crime that may warrant a prison term be fit to continue to serve as President? To allow a public official to commit a series of felonies with impunity would constitute a violation of my own oath as a Member of Congress to uphold the Constitution. Moreover, it would send a clear and unacceptable message that each individual is entitled to their own personal interpretation of when it is acceptable to lie under oath and whether obstruction of justice or intimidating witnesses is appropriate behavior.

Some have also made a dangerous argument that principles should be compromised in this case due to the nature of the underlying subject matter. But, if we cannot stand behind principle on matters of truthful testimony before our Courts, then when will we ever stand behind principle? As was stated so eloquently earlier today: the integrity of our democracy is ensured when even the most powerful public officials tremble before the law. And if we choose to establish a new standard that defers accountability for felonies committed to avoid personal embarrassment, then those who argue against impeachment should come forward with a list of all topics and circumstances under which America's elected Chief Executive may corrupt the judicial process, obstruct justice, and intimidate grand jury witnesses. The seven months of delay caused by the President's obstruction, and three months of Committee hearings have been difficult and unpleasant for every American. Creating a vague list of Presidential exceptions for perjury or obstruction of justice, however, may doom us to repeat this unsettling period in our Nation's history should future Presidents use President Clinton's unlawful actions to justify their own.

Finally, what are the consequences for 270 million Americans who are still expected to respect the principles of due process and truthfulness under oath? No censure resolution or public criticism of the President can ever justify the fact that he would remain in office after committing acts for which other Americans would be subject to immediate prosecution—and for which over 100 Americans are currently imprisoned. In fact, many of the federal judges who have been impeached were removed from office specifically for committing perjury. What remains of the Constitution's delicate system of checks and balances when we decide to hold the executive branch to a different standard than the judicial branch?

Given that the President has offered no contradiction of the facts presented within the Independent Counsel's Impeachment Referral and the Judicial Committee Report, it is fair to conclude that each of their allegations are true. The weight of the evidence supports the finding that the President of the United States committed not one, but a series of felonies, in an attempt to conceal evidence and information from federal investigators. The President has undermined the judicial process, shown contempt for judges and officers of the court, and failed egregiously to uphold his oath of office. The President should be impeached. Those who will vote to exonerate a President who has shown such contempt for our judicial system either discard the evidentiary record, or willingly betray their own oath to uphold the Constitution of the United States.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, many of my colleagues on the left here do not like this President or his policies. But their feelings about him or what he stands for are irrelevant this evening, for impeachment has standards, for as Richard Davis, who testified before the committee so eloquently said, cases cannot be brought simply to make a point, to express a sense of moral outrage.

Kat Sunstate from the University of Chicago said so eloquently, impeachment is reserved for a narrow category of cases, for this case does not rise to that standard.

I intend to vote against impeachment because as sinful and as stupid as the President's conduct was, it is not impeachable. But I will not get that chance. I will not get the chance to vote for censure because my colleagues over here do not believe we ought to have that chance.

Finally, Mr. Speaker, my prayers go to Mr. LIVINGSTON and his family as they seek to heal and rebuild. I say to my friends in all of this Congress, when is this going to end? When is this going to end? God help this Congress. When will we find our dignity, our vision, and our wisdom? Give us a vote on censure. Give America the vote they want on censure. This is not impeachable. It is stupid. It is sinful. It deserves censure.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. REYES).

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

Mr. REYES. Mr. Speaker, I rise today in opposition to the articles of impeachment. I have had the occasion to walk back and forth to this Capitol building several times today. On one of those occasions, I remembered the words of the Speaker designate, the gentleman from Louisiana (Mr. LIVINGSTON), when he said that he was a sinful, regular person.

I am grateful that regular people get an opportunity to serve in this House because regular people all across America tonight have been very clear and very vocal about the issue of impeachment. Regular people prefer census over impeachment. And yes, Mr. Speaker, regular people want regular business conducted in this House, not vindictive partisan politics.

Regular people are disgusted that we would be involved in this process at a time when this Nation's young men and women are engaged in its national defense.

As a regular person myself, as a veteran, as an American, I am profoundly disappointed at what we have done here today. History will ultimately be our judge. And while I know and understand the concept that majority rules, I have also lived long enough to take comfort in the fact that majorities that are unfair do not last. My friends, from where I am standing, the clock is ticking.

Mr. Speaker, I rise today in opposition to the articles of impeachment.

I have had the occasion to walk back and forth to this capitol building several times today. On one of those occasions I remembered the words of Speaker Designate LIVINGSTON that he was ''simply a regular person.''

I am grateful that regular people get an opportunity to serve in this House. Regular people all across America have been very clear and very vocal about the issue of impeachment. Regular people prefer censure over impeachment. And Mr. Speaker, regular people want regular business conducted * * * not vindictive partisan politics. Regular people are disgusted that we would be involved in this process at a time when this nations young men and women are engaged in its national defense half a world away. As a regular person, a Veteran, an American * * * I am profoundly disappointed in what we have done here today.

History will be our ultimate judge and while I know and understand the concept of majority rules * * * I have lived long enough to take comfort in the fact that majorities that are unfair don't last * * * My friends from where I stand the clock is ticking.

Like you, I am very troubled by the President's conduct. The President himself has acknowledged a serious lapse of judgment concerning this matter. The President's actions were wrong. It was wrong for him to make false statements concerning his reprehensible conduct with a subordinate. And it was wrong for him to take steps to delay the discovery of the truth.

The question is: does this conduct rise to level of an impeachable offense? After a careful review of the testimony before the Judiciary Committee and the report of the Committee about its findings, I am opposed to impeaching President Clinton. Let me tell you why I reached that conclusion.

I found arguments presented in the Dissenting Views of the Committee's report convincing as it relates to the conditions under which impeachment is warranted: ''Impeachment is only warranted for conduct that constitutes 'Treason, Bribery, or other high Crimes and Misdemeanors' as set forth in Article II, Section 4 of the Constitution. As virtually all constitutional scholars have noted, there is an important distinction between criminal and impeachable offenses—impeachment serves to protect the nation, not to punish the wrongdoer * * * the remedy of impeachment should be reserved for egregious abuses of presidential authority, rather than misconduct unrelated to public office. It is also clear that the President is subject to civil and criminal punishment independently of the impeachment process. The constitutional process of impeachment should not, therefore, be used for punitive purposes.''

On November 6, 1998, 430 Constitutional law professors wrote: ''Did President Clinton commit 'high Crimes and Misdemeanors' warranting impeachment under the Constitution? We believe that the misconduct alleged in the report of the Independent Counsel does not cross that threshold.'' One week earlier, more than 400 historians issued a joint statement warning that ''because impeachment has traditionally been reserved for high crimes and misdemeanors in the exercise of executive power, impeachment of President Clinton based on the facts alleged in the [Independent Counsel's] referral would set a dangerous precedent.''

I also agree with the view that ''the Framers of the Constitution intended that the impeachment language they employed should reflect the grave misconduct that so injures or abuses our constitutional institutions and form of government as to justify impeachment.'' Finally, I agree with the 1974 Watergate Staff Report, cited in the Dissenting Views, that says, ''The purpose of impeachment is not personal punishment; its function is primarily to maintain constitutional government * * * In an impeachment proceeding a President is called to account for abusing powers that only the President possesses.''

Finally, I believe the Republican leadership of the House of Representatives should allow the 435 members of the House an opportunity to vote on a strongly worded resolution of censure—one that condemns the actions of the President and imposes a hefty fine on him. However, the Republicans have denied us that opportunity.

This decision was very difficult for me and one that was not made lightly. I do not expect everyone to agree with this decision but I believe it is the right thing to do.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MCINTYRE).

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

Mr. MCINTYRE. Mr. Speaker, there are three issues in this matter before us tonight. First on the question of values, the President has clearly failed. Second, on the question of law, the Constitution says that regardless of what the Congress may do the President shall ''nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.''

But it is the third question that we must decide, the constitutional question of removal from office. This is the only question that we are permitted to decide, and let us follow our Nation's charter in making this decision. Let us make known our great respect for the Constitution by realizing that while President Clinton's behavior was wrong and unacceptable, impeaching him is the wrong punishment.

Moving forward with impeachment is not consistent with the intent of the Constitution and the duty we are charged to follow as the great statesman and former congressman and senator Daniel Webster once said, his words about the Constitution could not be truer today, ''We may be tossed upon an ocean where we can see no land or perhaps even the sun or the stars, but there is a chart and a compass for us to study, consult and obey and that chart is the Constitution.'' May God help us keep it strong and may we resolve to uphold it.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. REDMOND).

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

Mr. REDMOND. Mr. Speaker, I rise in support of all 4 articles of impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, the President's guilt in this matter is undisputed. Even the Democratic-sponsored censure resolution states that he has violated the trust of the American people and dishonored the office which they have entrusted to him.

Mr. Speaker, we should not let the President off free for his egregious conduct. We should not use the excuse of military conflict. We should not use the excuse that some prefer censure. Impeachment in the House is the constitutional method of censure.

Impeachment will ensure that the President's misconduct is treated with the seriousness it deserves. It is the formal judgment by the House that the President has committed crimes that deserve the attention of the Senate. It is an emphatic statement of censure and disapproval and it is constitutional. In this case a vote for impeachment is warranted.

Alexander Hamilton in the Federalist Papers said that the impeachable offenses are ''those offenses which proceed from the misconduct of public men.''

Mr. Speaker. Alexander Hamilton wrote in The Federalist Papers that impeachable offenses ''are those offenses which proceed from the misconduct of public men or, in other words, from the abuse or violation of some

public trust.'' It is clear that the perjury and obstruction of the legal process by the President, who is our foremost law enforcer, does constitute an abuse of his public trust. Mr. Speaker, the President's guilt in this matter is undisputed. Even the Democrat-sponsored censure resolution states that the President ''violated the trust of the American people, lessened their esteem for the office of President, and dishonored the office which they have entrusted to him.''

Some have suggested censure as an alternative to impeachment. A censure resolution without a penalty is insufficient for his felonious misconduct. On the other hand, a strong resolution which includes a fine or other sanction faces a severe Constitutional challenge. The Constitution specifically forbids ''Bills of Attainder''. Thus, any fine imposed on the President via the censure process, even with his consent, could be successfully challenged after the fact.

I respectfully ask my colleagues on both sides of the aisle who are considering a vote against impeachment to reconsider. We should not let the President off free for this egregious conduct. We should not use the excuse of military conflict or the excuse that some may prefer censure. We should do our duty under the Constitution. We should vote for impeachment.

Impeachment by the House is the Constitutional method of censure. Impeachment will ensure that the President's misconduct is treated with the seriousness it deserves. It is a formal judgment by the House that the President has committed ''High Crimes and Misdemeanors'' that deserve the attention of the Senate. It is an emphatic statement of censure and disapproval and is Constitutional. In this case, a vote for impeachment is warranted.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, equal justice means two things. First, every citizen, including the least powerful, like the plaintiff in the first civil case in which President Clinton perjured himself, has a right to demand truthful testimony under oath even when the defendant is the President.

Secondly, equal justice requires adherence to the rule of law by all Americans, including the most powerful. Further, equal justice requires accountability by those who have committed perjury.

In this case, accountability for perjury is provided by the constitutional remedy of impeachment. I am going to vote for impeachment against President Clinton because he committed perjury before a court and a grand jury. For us to do less might be a little more comfortable in the short term, but I think it would do permanent damage to our ideals of equal justice and constitutional government.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, the decision to impeach a President is among the most solemn responsibilities that we in Congress will ever face and one over which I have long agonized.

As a mother and grandmother, I struggled mightly with what message we send to all our children if the President does not bare serious consequence for his dishonest behavior. But I would like to point out that impeachment should be undertaken only with great reservation and much trepidation. It is an act that the founders intended not so much to punish an individual's wrongdoing but to preserve and protect a nation.

Each Member today must seriously consider whether the charges against President Clinton do in fact constitute a threat to the Nation or its national security. No doubt the President's actions, in both words and deeds, have disgraced him, his family, his office. His legacy shall be indelibly scarred.

However, putting the country through the turmoil and the tumult of a Senate trial that could last months while the many important issues facing our Nation go unaddressed is wrong. It is clear that the American people want us to close this sorry chapter in our history. I, therefore, plan to vote against the articles and in terms of what I consider in the best interest of my country, my conscience, and my constituents.

Mr. Speaker, the decision to impeach a sitting President is among the most difficult and solemn responsibilities we in the Congress will ever face, and one over which I have long agonized. I come to the well of the House to cast a vote that has occurred only once before in our Nation's history.

In reaching this difficult decision, I reviewed the Judiciary Committee proceedings and the scholars' testimony, read the report and relevant materials, and discussed the issues with colleagues and experts. Most importantly, I listened to my constituents, considered the effect on our Nation, and searched my conscience.

I approach this moment as a mother and grandmother who cares deeply about the difficulty parents face because of this ordeal. One of my grandsons, Michael, is eleven years old, president of his student body, and his parents have taught him the importance of being honest and trustworthy. I struggle mightily with what message we send to him and my other grandchildren, as well as all children, if the President does not bear serious consequences for his dishonest behavior.

Ours is a solemn duty to determine whether the wrongdoing by this President rises to the Constitutional threshold of Impeachment as intended by the Founders of this great nation. The purpose of Impeachment is the removal and possible disqualification from office and should be undertaken only with great reservation and much trepidation. It is an act that the Founders intended not so much to punish an individual's wrongdoing, but to preserve and protect a nation. Each Member today must seriously consider whether the charges against President Clinton do in fact constitute a threat to the nation or its national security.

The President's actions in both words and deeds have disgraced him, his family, and his office, and he shall forever be remembered not for the many accomplishments that have occurred during his term in office, but for his sordid behavior and his failure to take responsibility for that behavior.

I believe, however, that putting the country through the turmoil and tumult of a Senate trial that could last months while the many important issues facing our nation go unaddressed is wrong. It is clear that the American people want us to close this sorry chapter in our history and move on to resolving the challenges that face us. I shall therefore vote against these Articles of Impeachment. It is my sincere belief that there should be severe consequences for the actions of this President, and if these Articles of Impeachment are approved, I hope that the Senate will act expeditiously and vote on a severe Censure Resolution that could then be brought back to the House. I would support such a resolution.

While history will judge William Jefferson Clinton severely, I do not believe that his acts rise to the level of ''high crimes and misdemeanors'' as specified by the Constitution. I know that some in this body will come to a different conclusion than I do and I respect their decision. Many Americans too are deeply divided over this issue. My decision to vote against these Articles of Impeachment is one that does not come easily, but in my service in the United States House of Representatives, and to the people of the Eighth District of Maryland, I have always tried to consider my constituents, my country and my conscience.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind all persons in the gallery that they are here as guests of the House and any manifestation of approval or disapproval of proceedings is a violation of House rules.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, this Congress is faced with a very imperfect situation, a President who has deeply disgraceed our Nation and an independent prosecutor who has compromised the integrity of the investigative process.

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The damage both men have rendered is strewn across the American landscape, and now the Committee on the Judiciary of this House has produced a one-sided, rampantly partisan option for this membership to consider.

Healing our Nation must be the paramount consideration of this body, and our people must be spared from further division. Even though it appears that President Clinton lied under oath, which could be a high crime, proving perjury in a court of law is a highly technical legal matter not easily established.

On the other hand, a Senate trial would not require the same level of judicial proof, but it is unlikely the Senate will be able to assemble a working supermajority for any of the impeachment charges.

The House of its own accord can act to resolve this situation assigning proper penalties and punishments but

likely will fail to do so placing this entire matter in the netherworld between the Senate, unlikely to reach a conclusion and a legal system in which wrongdoing will be difficult to prove.

Our Nation needs to move forward. I am left with no option but to vote against the committee's recommendations in spite of my disdain for the President's actions.

Mr. Speaker, this Congress is faced with a very imperfect situation.

A President who has deeply disgraced our Nation, and an independent prosecutor who has compromised the integrity of the investigative process. The damage both men have rendered is strewn across the American landscape. Now, the Judiciary Committee of this House has produced a one-sided, rampantly partisan option for the membership to consider.

Healing our Nation must be the paramount consideration of this body. The American people must be spared from further divisions.

Even though it appears President Clinton lied under oath which would be a high crime, proving perjury in a court of law is a highly technical legal matter not easily established. On the other hand, a Senate trial would not require the same level of judicial proof, but it is unlikely the Senate will be able to assemble a working supermajority for any of the impeachment charges.

The House of its own accord can act to resolve this situation, assigning proper penalties and punishments, but likely will fail to do so, placing this entire matter in the netherworld between a Senate unlikely to reach a conclusion and a legal system in which wrong doing will be difficult to prove. To drag our nation through further partisan wrangling in the Senate seems very unwise.

[Thus] I conclude further Congressional deliberations on this set of charges are not in the nation's interests. Though the charges against President Clinton are serious, they are best adjudicated in the courts where regular rules of evidence and due process apply. Since other alternatives are not available to this House as a result of the Judiciary Committee's flawed proceedings, I am left with no option but to vote against the Committee's recommendation, in spite of my disdain for the Presidents' actions and his failure to take responsibility for them. Our Nation needs to move forward.

Mindful of the strongly divided opinion of the American people and citizens of my home district regarding the pending set of votes on the four Articles of Impeachment against President Bill Clinton, it is my obligation to state publicly my reasons for voting as I will today. In this regard, partisanship is irrelevant. Personalities are irrelevant. Healing our nation must be paramount. Carrying out the nation's regular business must proceed. In regard to the Clinton charges, we must respect the rule of law, administer it to preserve the integrity of the Constitution, and recommend proper judicial proceedings to resolve the matter at hand. Throughout this process, I have weighted: ''To what extent do the President's actions, along with those of the investigative processes that have led to our current predicament in the House, undermine or strengthen the Constitutional standards I am sworn to uphold?'' In an expeditious manner, we must resolve this situation in the nation's best interests. I believe the nation must be spared further divisions on this matter.

THE PROCESS

President Bill Clinton has deeply disgraced our nation by his conduct, and unwillingness to assume responsibility for his actions. Over one year ago, he should have exercised a more honorable course and spared our nation the wrenching that has affected every family in America and politically split the nation into two warring camps. Further, the behavior of Independent Counsel Kenneth Starr and his careless, and at times willful manipulation of the investigative process, has compromised the integrity of these proceedings, leaving the American people and this Congress divided. Neither of these men has acted in the national interest. The damage they have rendered is strewn across our landscape. Likewise, the Judiciary Committee in its deliberations has been rampantly partisan. The recommendations it has produced for House consideration are one-sided and only partly represent the courses of action deemed worthy of debate by the full House. So we are left with a very imperfect situation.

President Clinton will have much accounting to do in the years hence. I have concluded in the national interest that final resolution of any legal charges against him is best left in the courts. Here he should be afforded a fair and impartial trial by jury where proper rules of evidence apply, outside the limelight that has convoluted this entire process. Any penalties and punishments placed on the President should be commensurate with proven charges.

Regarding the role of the Independent Prosecutor, and the behavior of Mr. Staff and his investigators, no instrumentality of our government should be above the law. Accordingly, many questions arise as to the propriety and fairness of the Independent Prosecutor's investigative proceedings to date, as well as about the raw partisanship of the Judiciary Committee's deliberations. By whose authority and under what constraints were key witnesses wired and testimony obtained by the Independent Prosecutor? Why were there so many leaks of privileged information from the grand jury—everything from the evidence about the blue dress to a broadened investigation that began with Whitewater but led to the investigation of the President's personal affairs? In Ohio, breaches of grand jury secrecy are prosecutable. Mr. Starr's own ethics advisor Sam Dash resigned over concerns that the Independent Counsel had exceeded his mandate to simply report to Congress on any impeachable offenses he discovered. Dash said he had ''no other choice but to resign'' because of the independent counsel's abuse of office. Much of the behavior of the Independent Prosecutor was as irresponsible as the President's, and both have led to public cynicism about the integrity of our political and judicial systems. Accordingly, Congress immediately should examine the procedures employed by Mr. Starr to gain evidence and administer the duties of his office. He and future Independent Prosecutors should be held accountable for the breaches of integrity associated with the investigative process.

LEGAL OPTIONS

I hold the highest respect for our nation's judicial system. It is my duty to uphold it against all enemies foreign and domestic. My job includes preventing its abuse. In this regard, President Bill Clinton has much accounting to do. Yet, in spite of President Clinton's egregious, dishonorable, irresponsible and, yes, alleged criminal behavior, he should not be held to either a higher nor a lower standard than any American in the administration of justice. He deserves his day in court with a judge and jury sworn to administer justice fairly. But as President, it is not unfair for us to expect more of him and hold him to a higher moral standard.

In my judgment, the crimes of which President Clinton is accused do not meet the Constitutional standard for conviction based on ''bribery, treason, or high crimes and misdemeanors.'' Though his dishonorable behavior has wounded our nation's moral sensibilities and, tragically, he has reduced the honor associated with the office of President—and, in fact, elected office as a profession—in my judgment these circumstances do not rise to a ''high crime'' against the state as such, as I read the Constitution.

However, reading the Starr Referral and the Committee documents and studying the law has convinced me that the perjury charges are the most serious rendered against the President. They go to the heart of our judicial system's foundation—telling the truth, the whole truth, and nothing but the truth.'' Perjury is a felony, a crime against the state, and strikes at the core of our judicial system. By his moral position as the secular leader of our nation, President Clinton sets a standard, whether he wishes so nor not. Even though it appears President Clinton lied under oath, proving in a court of law that he perjured himself if a highly technical legal matter not easily proven. In a court of law, proving such would be fraught with inference, innuendo, in the end likely yielding not enough proof with corroborating witnesses to convict on the basis of perjury. On the other hand, a Senate trial would not require the same level of judicial proof, thus holding the possibility of placing penalties and punishments on the President commensurate with proven charges of damage to the republic. However, it is unlikely the Senate will be able to assembly a working majority for any of the impeachment charges. The House of its own accord could have acted in order to resolve this situation, assigning proper penalties and punishments, but will fail to do so, placing this entire matter in the netherworld between a Senate unlikely to reach a conclusion and a legal system in which wrong doing will be difficult to prove. Yet, to drag the nation through more legal wrangling in the Senate seems very unwise, especially in view of the politics and partisanship that will rue the day.

For the record, let me point out the role of the House in impeachment differs from the Senate. The House acts almost like a grand jury, with each of us behaving like judges in a civil proceeding. Yet, the House is hampered Constitutionally in its ability to discover evidence, call witnesses, and cross examine. Thus, the Committee, by it very nature, has put forward a report that contains only partial findings of alleged wrongdoing. Our vote will be to refer those partial findings and charges to the Senate for an actual trial. It is in the Senate that full evidence is weighed, witnesses are called, and cross-examination occurs. No Member of the House has been afforded the benefit of a full range of witnesses, with the opportunity to cross-examine, with rules of evidence being respected. Further, the partisanship of the Judiciary Committee has

been extremely troubling with the end result being that the full House is not afforded a range of proposals on which to vote to apply the proper judicial remedy relating to the President. Unlike previous impeachment hearings in the House—such as Andrew Johnson's in which the Committee studied the referral for eight months and defeated the resolution by a two to one margin, and at the hearings relating to President Nixon in which the House deliberated for six months and accepted the Committee report on a vote of 412 to 3—this process has been fraught with raw partisanship. The Committee has deliberated for a month, votes in the Committee have been strictly along party lines, and for the most part votes in the full House will mirror that pattern. Thus, this Member has little confidence the Committee has acted responsibly and with due process. Nonetheless, I believe the Judiciary Committee's findings to be serious, particularly relating to the articles of alleged perjury and obstruction of justice.

The allegations of perjury in Articles 1 and 2 are indeed serious since perjury, if proven, is a felony and, in my opinion, rise to the Constitutional standard of a high crime. But, proving perjury is a highly technical matter. Evidence and testimony in this regard are critical. The House Committee report has not proven perjury. To commit perjury, an untruth must be knowingly stated, under oath at an official proceeding. And that statement must be material with regard to the matter at hand. Since the Paula Jones case has been dismissed, the matter at hand would only involve the Lewinsky situation. Regarding the President's testimony before the grand jury in this regard, the legal question, as aside from the moral question, becomes, Did President Clinton lie, or did he simply exercise his rights under the law not to volunteer more details? Just because he didn't testify as much as some may have wanted, does not mean he perjured himself. The evidence against him in this care must be compelling and the judicial standard to measure perjury is not ''preponderance of evidence'', nor is it ''clear and convincing evidence.'' But, rather, the standard is the highest one of ''evidence beyond a reasonable doubt.'' The fact that the House is wresting with the evidence means there is a reasonable doubt, and thus a judicial finding of perjury will be difficult to obtain. In addition, some of the allegations in the Committee's report suggest that the definition on ''sexual relation'' President Clinton used before the grand jury was one with the intent to give perjurious statements. A lawyer would ask, where is the evidence of intent? Decisions of perjury cannot be made on the basis of conclusions nor suppositions, only on the basis of fact. One cannot assume an inference on an inference. Otherwise the evidence is inadmissible. Further, the report charges President Clinton ''didn't recall'' matter on several occasions. But what evidence do we have that demonstrates this. Again, this painstaking evidence must be collected, presented, rebutted. Otherwise, the charge cannot be sustained. In any case, the legal process will ensure for quite some time in resolving these questions. Moreover, convincing a defendant on perjury is most difficult where proof of falsity rests with contradictory statements of just one other person other than the defendant. In such cases, the defendant cannot be convicted. This means that just one other material witness with a contradictory story would not be enough to prove falsehood by the President. Additional witnesses, unlikely to be found, would have to come forward. This legal precedent actually dates back to Mosaic law. However, if the defendant changes his/her story and contradicts him/herself, then they can be convicted. This is not likely to happen, given the President's adherence to his original statement before the grand jury.

In anticipating the likely outcome of such a proceeding, if a jury of 12 persons, knowing the strict legal standards for conviction on perjury, were faced with the evidence in this case and asked ''did he lie'', ''did he knowingly do it'', and coupled this with Monica Lewinsky's testimony wherein the definition of sexual relations is brought into question, it is doubtful a jury would convict him of perjury beyond a reasonable doubt because of the substantial weight of circumstances evidence and lack of other credible witnesses. Again, there is a distinction between what is legally provable and what the public may demand as morally right.

Further, in meeting the Constitutional test of conviction based on ''bribery, treason, high crimes and misdemeanors,'' the definition of high crimes and misdemeanors of open to interpretation. Most scholars agree that these crimes would gravitate to crimes against the state or the government—such as bribery by a foreign interest, or outright treason. But again the Constitution does not say outright high crimes against the state. So, much is left to interpretation, and this is why this case is so important. Depending on how the House acts, a legal standard and process will be established against which future Constitutional questions regarding impeachment for inappropriate conduct that may be morally reprehensible, but not necessarily criminal, that affects the functioning of the apparatus of the state beyond the ''bribery, treason and high crimes and misdemeanors'' standard.

CONCLUSION

In summary, though President Bill Clinton has deeply offended the moral character of the nation, his acts cannot be termed high crimes against the interests of the state. Further, proving perjury from a legal standpoint will be exceedingly difficult in a regular court of law. But his case appropriately should be remanded there. Using the Senate as the venture for resolution risk further damaging to the national interest. One certainly can question whether President Clinton's personal, reckless behavior bordered on being a security risk, and this is a serious matter. But no apparent weakening of the state's direct interest resulted from his actions.

Regarding the interests of the state and our nation, we have reached the point where it becomes compelling for the public good for Congress to stop rendering this matter in public. Further proceedings in the Senate are unlikely to yield the 2/3 votes necessary to pursue any conclusive course of action.

Thus, I conclude that further Congressional deliberations on this set of charges are not in the nation's best interests. Though the charges against President Clinton are serious, they are best adjudicated in the courts where regular rules of evidence and due process apply. Since other alternatives are not available to this House as a result of the Judiciary Committee's flawed proceedings, I am left with no option but to vote against the Committee's recommendations, in spite of my disdain for the President's actions. The nation needs to move forward.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, the essence of our debate resolves around the issue of perjury. In that context alone I believe the articles of impeachment are faulty and deficient. I agree with my constituents who asked us to apply the same law to the President as would be applied to ordinary people charged with that offense of perjury. Ordinary citizens would begin the specific basis underlying the charge of perjury. The President has not been provided this information.

To vote for these articles of impeachment is to vote to remove the President from office without any of us knowing what exactly he testified to under oath which amounted to the legal definition of perjury. At the minimum this must be elaborated in the articles of impeachment so that the public in general and the Senate specifically may know what the specific charges are and so that the President may defend himself.

When I vote against these articles of impeachment, I will do so because I cannot allow this House to avoid its constitutional duty to enumerate the specific allegations of perjury before recommending impeachment. None of us can call for the rule of law if it is an empty gesture and faulty articles of impeachment.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ACKERMAN).

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

Mr. ACKERMAN. Mr. Speaker, today we embarrass the memory of our Founding Fathers as we torture the intent of the genius of their system of balancing the awesome powers of government. Mr. Speaker, under your leadership and that of your party we stand here, small men with petty careers and partisan of purpose to diminish yet again our great Republic. Devoid of a sense of proportion and overburdened with an excess of hubris, you claim conscience as your exclusive domain and deny us the right to offer the will of the people, a motion to censure. Your oligarchical act attempts to recreate a presidency that would serve at your whim rather than at the will of the people.

To be sure, the President has shamed himself. To be clear, it is we who are about to become the shame of the Nation.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Idaho (Mrs. CHENOWETH).

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Speaker, I rise in support of the articles of impeachment.

Mr. Speaker, I rise today in support of passage of the Articles of Impeachment against President William Jefferson Clinton. As unpleasant as our task is to many, our task is an honorable one, for today we do honor to the Constitution of the United States of America.

As the distinguished gentleman from Illinois (Judiciary Chairman HENRY HYDE) said earlier, we today act in defense of the law.

We Americans place our faith and the strength of our Nation not in individuals but in the strength of our law. Our law protects our rights and keeps us free. It is our law which has made America the longest surviving democracy in the history of the planet.

Some would argue this matter is about personal conduct among consenting adults.

As the writer Mark Helprin has observed, these issues before us today ''are no more about sex than the theft of money from a cash register is about business.

''Perjury is not sex, obstruction is not sex, and abuse of power is not sex * * * .''

Indeed, they are not, Mr. Speaker, they are about the respect of and for the law and of and for the high office our President holds.

Our respect for the law and for the Presidency demands that we not turn that respect into a mockery. If we subject our standards for the conduct of our President to whim, polling data, and notions of popular behavior, we will have done grave damage to our Constitution.

If—on the other hand—we stand up for the rule of law, we draw the line and say, Yes, our President must obey those same laws he has sworn to uphold and defend.

It's important for us to remember what has brought us to this point.

We are here today because of the actions of the President.

We are here today because the President placed himself above the law. He lied to a civil court, then lied to the public, then lied to a grand jury, then lied about lying, and finally lied to the impeachment inquiry itself.

The President abused his power. And for what reason did he do this? The President placed his own needs, his own desire to avoid embarrassment, and his own fear of facing the consequences and responsibility for his actions above the interests of his Nation.

How sad.

How sad it is, for the heir to George Washington to place his interests above those of the nation and law for which American blood has been shed * * * and will undoubtedly be shed again. Perhaps Ameican patriot blood is being shed at this very moment.

Of George Washington, Thomas Jefferson observed that ''The moderation and virtue of a single character probably prevented this Revolution from being closed, as most others have been, by a subversion of that liberty it was intended to establish.''

What will the future generations say of President Clinton? And what will they say of us?

John Quincy Adams said ''Always vote for principle, though you vote alone, and you may cherish the sweet reflection that your vote is never lost.''

Mr. Speaker, I will vote for principle. I will vote to impeach William Jefferson Clinton.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I rise to address the matter before the House regarding the four Articles of Impeachment that have been reported by the Committee on the Judiciary. This is a situation that demands our most careful consideration and devotion to duty as Members of Congress. It is a matter that is not to be taken lightly. Each Member of this body must reason individually to reach the determination that must be made in order to fulfill our Constitutional responsibilities in the impeachment procedure. This is a process that should not be partisan, as it should be based on the application of the rule of law.

I believe that all of us recognize the seriousness of President Clinton being charged with violations against the Constitution. Much time and effort have been devoted to investigating and reviewing the actions on which this Resolution is based. I have followed the hearings of the Committee on the Judiciary concerning this matter with great interest and I am in agreement with the Resolution (H. Res. 611) that has been submitted by Chairman HYDE. H. Res. 611 outlines four Articles as the basis for impeachment, which I shall summarize:

Article I—President Clinton willfully provided perjurious, false and misleading testimony to a Federal Grand Jury. I agree.

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

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

Article IV—President Clinton has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the Legislative Branch, in that he refused and failed to respond to written requests for admission, as well as willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission that were propounded as part of the impeachment inquiry that was authorized by the House. I agree.

It is clear to me that convincing evidence has been presented in regard to each of the four Articles that have been reported by the Committee on the Judiciary. Accordingly, I support the Articles as stated in H. Res. 611.

Mr. Speaker, I would also like to address the assertion that I have heard today that the consideration by the Congress of the impeachment of President Clinton, who is the Commander in Chief of our Armed Forces, would have a demoralizing effect on our men and women in uniform, especially while our Nation is engaged in military operations against Iraq. I can speak from experience, based on numerous conversations with Americans from all walks of life, who are now serving or who have previously served in our Nation's military, that such a charge has no merit. In this regard, I would like to submit the following article by Major Daniel J. Rabil, of the United States Marine Corps Reserve:

Mr. Speaker, I include the article entitled ''Please, Impeach My Commander in Chief,'' from the November 9, 1998 edition of the Washington Times.

PLEASE, IMPEACH MY COMMANDER IN CHIEF

(By Daniel J. Rabil)

The American military is subject to civilian control, and we deeply believe in that principle. We also believe, as affirmed in the Nuremberg Trials, that servicemen are not bound to obey illegal orders. But what about orders given by a known criminal? Should we trust in the integrity of directives given by a president who violates the same basic oath we take? Should we be asked to follow a morally defective leader with a demonstrated disregard for his troops? The answer is no, for implicit in the voluntary oath that all servicemen take is the promise that they will receive honorable civilian leadership. Bill Clinton has violated that covenant. It is therefore Congress' duty to remove him from office.

I do not claim to speak for all service members, but certainly Bill Clinton has never been the military's favorite president. Long before the Starr report, there was plenty of anecdotal evidence of this administration's contempt for the armed forces. Yes, Mr. Clinton was a lying draft dodger, yes his staffers have been anti-military, and yes, he breezily ruins the careers of senior officers who speak up or say politically incorrect things. Meanwhile, servicemen are now in jail for sex crimes less egregious than those Paula Jones and Kathleen Willey say Mr. Clinton committed.

Mr. Clinton and his supporters do not care in the least about the health of our armed forces. Hateful of a traditional military culture they never deigned to study, Mr. Clinton's disingenuous feminist, homosexual and racial activist friends regard the services as mere political props, useful only for showcasing petty identity group grievances. It is no coincidence that the media have played up one military scandal after another during the Clinton years. This politically-driven shift of focus, from the military mission to the therapeutic wants of fringe groups, has taken its toll: Partly because of Mr. Clinton's impossibly Orwellian directives, Chief of Naval Operations Jay Boorda committed suicide.

So Clinton has weakened the services and fostered a corrosive anti-military culture. This may be loathsome, but it is not impeachable, particularly if an attentive Congress can limit the extent of Clinton-induced damage. As officers and gentlemen, we have therefore continued to march, pretending to respect our hypocrite-in-chief.

Then came the Paula Jones perjury and the ensuing Starr Report. I have always known that Clinton was integrity-impaired, but I never thought even he could be so depraved, so contemptuous, as to conduct military affairs as was described in the special prosecutor's report to Congress. In that report, we learn of a telephone conversation between Mr. Clinton and a congressman in which the two men discussed our Bosnian deployment. During that telephone discussion, the Commander-in-Chief's pants were unzipped, and Monica Lewinsky was busy saving him the cost of a prostitute. This is the president of the United States of America? Should soldiers not feel belittled and worried by this? We deserve better.

When Ronald Reagan's ill-fated Beirut mission led to the careless loss of 241 Marines in a single bombing, few questioned his love of country and his overriding concern for American interests. But should Mr. Clinton lead us into military conflict, he would do so, incredibly, without any such trust. After the recent American missile attacks in Afghanistan and Sudan, my instant reaction was outrage, for I instinctively presumed

that Mr. Clinton was trying to knock Miss Lewinsky's concurrent grand jury testimony out of the headlines. The alternative, that this president—who ignores national security interests, who appeases Iraq and North Korea, and who fights like a leftover Soviet the idea of an American missile defense—actually believed in the need for immediate military strikes, was simply implausible. And no amount of scripted finger wagging, lip biting, or mention of The Children by this highly skilled perjurer can convince me otherwise.

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

It will no doubt be considered extreme to raise the question of whether this president is a national security risk, but I must. I do not believe presidential candidates should be required to undergo background investigations, as is normal for service members. I do know, however, that Bill Clinton would not pass such a screening. Recently, I received a phone call from a military investigator, who asked me a variety of character-related questions about a fellow Marine reservist. The Marine, who is also a friend, needed to update his top-secret clearance. Afterward, I called him. We marveled how lowly reservists like us must pass complete background checks before routine deployments, yet the guardian of our nation's nuclear button would raise a huge red flag on any such security report. We joked that my friend's security clearance would have been permanently canceled if I had said to the investigator, ''Well Rick spent the Vietnam years smoking pot and leading protests against his country in Britain. His hobbies are lying and adultery. His brother's a cocaine dealer, and oh, yeah—he visited the Soviet Union for unknown reasons while his countrymen were getting killed in Vietnam.''

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Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. PORTMAN).

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

Mr. PORTMAN. Mr. Speaker, there is no joy in this task. This is a sad day for our country and for the Office of the President.

I have listened carefully to the comments of my colleagues today just as I carefully reviewed the facts, the underlying articles of impeachment and the report of the Committee on the Judiciary that came before us this week. I do not question the motives of my colleagues who oppose impeachment, who do not find impeachable offenses, even as many of them have questioned the motives of those of us who will support one or more of the articles.

For myself, I believe the evidence of serious wrongdoing is simply too compelling to be swept aside. I am particularly troubled by the clear evidence of lying under oath in that it must be the bedrock of our judicial system. I believe the long term consequence to this country of not acting on these serious charges before us far outweigh the consequences of following what the Constitution provides for and bringing this matter to trial in the United States Senate.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I am not on the Committee on the Judiciary, I am not an attorney, and I am not sure that the President's actions warrant his removal from office. But I am absolutely unequivocally convinced beyond a reasonable doubt that this President lied under oath, lied in a court proceeding and lied to a grand jury, and that requires us to take action. Eighty percent of the American people and many of my colleagues on that side have acknowledged the President lied under oath and in fact have said he committed perjury. In fact, this administration has convicted two women, two Federal employees who are serving jail time today for the exact same offense that the President has been charged with, exact same offense, no different.

We must take action. The Constitution gives us one option in taking action. That option is basically to move on the impeachment, to charge the President. The other body can take the appropriate action of what the punishment would be.

I would hope that the other body does not prolong the process. I would hope the other body would consider the censure resolution. That is the appropriate response here. But we must do our response, and that is to charge the President and let the Senate take its action, and hopefully they will end this process quickly.

Mr. Speaker, I rise on this sad day of our nation's history with a heavy heart. Today, we as Members of the House of Representatives face a decision that I, in all of my twelve years of serving this body, never thought that I would have to face—inarguably the most important decision of our political lives. We must decide whether or not we are going to impeach the President of the United States.

Like my colleagues, I have not come to my decision lightly. After much thought, deliberation, review of testimony and evidence, and conference with my colleagues, I have come to the conclusion that I must represent my constituency by voting to impeach our President, William Jefferson Clinton. I am joining my colleagues of the House in what I think will be, and hope will be, a bipartisan vote, as we make our public statement of rebuke.

Mr. Speaker, I rise today to announce my intention to vote for the first two articles of impeachment because like 80% of the people of our nation, I believe that the President lied under oath. These facts are not in dispute, and yet the President refuses to admit this. He must admit to what the American people already know.

The fact of the matter is that the President lied. He took an oath to tell the truth, the whole truth, and nothing but the truth, and he broke that promise. But more importantly, he broke a promise that he made to the American people to uphold the laws that are the strength and the backbone of our democracy.

In order for democracy to succeed, our judicial system must be vigilant—people cannot lie under oath, regardless of their motivations. We cannot allow anyone to be above the law, and our laws cannot, and must not, be trivialized. The President's own Administration takes lying to a grand jury seriously, as one hundred and fifteen people are currently serving sentences for perjury in a federal court. Two of these very people are serving sentences of lying about adultery in a court proceeding. The basic tenet of our democracy is that we are a nation of laws, not of individuals. To allow the President to break the laws, which the American people have elected him to uphold, would weaken our system of government. We must send a strong message today—no one has the right, for any reason, to lie under oath. Our system of law is fair and just for everyone.

The President has admitted that he misled the American people, and he is remorseful. But remorseful or not, he must accept the consequences of his actions. The Constitution provides us with our framework for dealing with this very unfortunate situation, and I am concerned about the Constitutional questions surrounding censure. I have come to the conclusion that the best course of action to rebuke the President is to vote in favor of impeachment. An article of impeachment passed by the House of Representatives is the equivalent of an indictment in a criminal process—not a final judgement of guilt, but a formal accusation of wrongdoing. There is no doubt in my mind that any other case where evidence existed that an American citizen had committed perjury would be indicted. The evidence exists, and I am voting to indict President Clinton.

I am not convinced that the proper punishment for President Clinton's actions is removal from office, but that decision is not mine to make. Mr. Speaker, we have serious problems in the world, and it's extremely important that we end this process soon. In conclusion, it is time to vote today, and to move on. We must move on to working on the other important issues which face our nation, and to do that without distraction. And so it is with a heavy heart that I come to the floor today, but it is with a heart full of pride, and with hope for our future—because we are Representatives of the greatest country in the world. It is a country so great that the laws of our nation supersede individual circumstances. Our system can withstand political upheaval, and move on. Our system is bigger than you, and it is bigger than me. And it is bigger than our President, William Jefferson Clinton. He is not above the law.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, President Bill Clinton's reckless and reprehensible affair with Monica Lewinsky put him at risk for extortion, undermining our national security. His subsequent words and actions have thrust upon us the grave duty to consider impeachment.

The Committee on the Judiciary report provides sufficient and creditable evidence that William Jefferson Clinton abused his power as President and undermined the integrity of the coequal judicial branch by obstructing justice and lying under oath both in a civil deposition and before a federal grand jury. He perpetuated these lies in written responses to the Congress.

If we are to honor and uphold our Constitution, this behavior cannot be tolerated. Without truth there is no justice. No man is above the law. These are the foundations of our government. Our entire system of justice is imperiled if we do not act and thereby establish the precedent that a President nor anyone cannot pick and choose when he will testify truthfully and when he will not.

For these reasons I will vote for the articles of impeachment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Speaker, it was the President's own decisions and actions which have brought us to this circumstance. It was the finding of his own Attorney General, Janet Reno, that resulted in the appointment of the special prosecutor. The findings of fact by the special prosecutor have not been disputed, and no one here tonight has risen to defend the actions of this President. All that is in question is what punishment is appropriate given these facts?

When this vote is closed, William Jefferson Clinton will still be President no matter whether the motion to adopt the articles of impeachment is adopted or rejected. All that will be decided when this vote is closed is to determine whether there will or will not be a trial giving the President his due process in the United States Senate. Mr. Speaker, that would appear the least this House could do given the facts that we have before us and if we are to uphold the rule of law.

It is unfortunate, it is distasteful, it is regrettable, but it is the actions of William Jefferson Clinton that bring this Nation and this Congress to this distasteful moment in history, and we must do our constitutional duty.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, all day my Democrat friends have spoken of the treacherous waters our country would be thrown into should this impeachment resolution pass and the matter be sent to the Senate, and while today's debate is momentous and its historical significance cannot be overstated, it is important to remember that America, its government, is strong and will continue to thrive.

See, the genius of the American experiment is not that our stability or our existence rests upon the shoulders of a few powerful, irreplaceable men, but rather that our civilization's order rests upon the rule of law, and when those laws are undermined by the chief law enforcement officer in the land, the situation must be redressed or the very chaos that our Democratic friends fear will come to pass.

The President's personal life is just that, personal. But when his words and deeds seriously undermine the rule of law, the issue becomes public and the consequences dramatic.

The chief law enforcement officer's actions have in fact undermined the rule of law, and thus the articles of impeachment should pass and the matter be sent on to the Senate.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I think most of us prefer not to be here, but the Constitution obligates us to be here, and the Constitution also directs what we can do while we are here.

As pointed out by Hamilton in 66 Paper, we do not have the right to be punitive. Censure is a punitive action. We have the right and the responsibility to refer this item to the Senate for their judgment.

Now I know there are those who do not like to say that we have jurisdiction here, but the fact is, as Ms. Jordan pointed out in 1974, it is a misreading of the Constitution for any Member here to assert that a Member is voting to remove the President for impeachment and that it does not give us the jurisdiction to be able to refer to the Constitution, which says clearly that we have the responsibility to judge; is there enough evidence to consider impeachment and that punishment not be rendered here in a censure in the House of Representatives but only, only in the Senate?

That is our responsibility. The President has to live by the Constitution, and so do we as a body, Mr. Speaker.

Ms. LOFGREN. Mr. Speaker, I ask unanimous consent that the time for debate be extended by 15 minutes.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from California?

Mr. SENSENBRENNER. Reserving the right to object, Mr. Speaker, and I will object, Mr. Speaker, the time for debate was set as a result of very delicate negotiations between the Speaker designate, the gentleman from Louisiana (Mr. LIVINGSTON), the minority leader, the gentleman from Missouri (Mr. GEPHARDT), the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE) and the ranking minority member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS).

Ms. LOFGREN. Mr. Speaker, I withdraw my unanimous consent request in view of the gentleman's objection so that I might yield to other Members.

The SPEAKER pro tempore. The gentlewoman may recognize one additional speaker. At that point it will be 10 o'clock.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. JOHNSON).

Mr. JOHNSON of Wisconsin. Mr. Speaker, the gentleman from Illinois (Mr. HYDE) stood before the body this morning and gave an eloquent speech concluding that our flag is falling. Indeed our flag is falling. It is being dragged through the mud of sex, lies and videotape.

Even worse, our Constitution is being set on fire and torched and set a blaze and bombed and blasted by some zealots who have had their torches ready for some time. But unable to rally the majority of Americans to their cause, they have turned their tortured view of the Constitution and their tortured view of the rule of law to the one place where they can get a majority to this body, this 105th Congress.

I came to this 105th Congress with pride. Now it will be my only Congress, and I leave with pride at having served with sadness that petty partisan politics raised to the highest level will torture the meaning and torch the fabric of the Constitution. If we agree these articles rise to the level of impeachment defined in the Constitution, treason, bribery or other high crimes and misdemeanors, these articles are not inclusive.

I oppose the articles of impeachment, and I ask that they be voted against.

□ 2200

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

Mr. STENHOLM. Mr. Speaker, I rise in support of these articles of impeachment.

Mr. Speaker, today is one of the most somber days I have known since coming to Congress twenty years ago. We are poised to vote on whether or not to impeach the President of the United States at the same time that uniformed men and women of our armed forces are engaged in conflict in the Middle East. It doesn't get much worse than this

I have listened to the arguments that have been made about why the President's actions do not rise to the level of ''impeachable offenses'' under the Constitution. Despite these arguments, I am not persuaded. It is clear that the President's actions are sufficient to charge him with high crimes and misdemeanors.

Our President has admitted to wrongdoing. he has lied to his family, his friends, and the nation. He has protected himself at the expense of those around him. He has shown judgement so suspect that his actions are now called into question. It is clear that the President's deeds and words have placed an indelible mark on the Presidency of the United States.

It is not for us to judge President Clinton for his moral transgressions; God will do that. His family will have to forgive him for the pain he has caused them. He has already suffered tremendous punishment in regard to lost respect and credibility. Our duty is to decide whether to charge him with high crimes and misdemeanors and send the matter to the Senate to be tried and if convicted to determine what punishment is appropriate for his actions.

I do not agree with those who suggest that the President's actions are a private matter that do not reflect on his fitness for office.

Lying under oath and repeated disregard for decency by our nation's top elected official is a serious offense. The strength of a nation is ultimately dependent upon the strength of its moral character. The consequences of the President's actions go well beyond the details of perjury. They go to the heart of our national character.

In considering the impeachment question, I have studied, listened and prayed for guidance. Throughout this process, I have been troubled that some of those calling for the President's impeachment are not interested in fairness and objectivity. They have been motivated by their own political blood lust. For example, I believe that all Members should not be denied the opportunity to vote their conscience on censure.

I understand that my vote today will be unpopular with many of my colleagues, my President and many of my friends and constituents. I also realize that by voting with the majority, this is an issue some will use for their own political purposes. My vote today in no way condones the behavior of those supporting impeachment whose actions are motivated more by political vendetta than the principles of the Constitution.

Let me make clear that my sole motivation is to fulfill my Constitutional duty as I see it, no matter how unpopular that may be or at what personal cost.

Those of us who have the honor of holding public office should hold ourselves to a higher standard. I respect those who have come to a different conclusion than my own. However, if I do not vote to impeach the President for his actions dishonoring his office, I not only fail to carry out my Constitutional duty, but I also diminish the office of all elected officials, including my own. One of our Founding Fathers, John Jay, said, ''When oaths cease to be sacred, our dearest and most valuable rights become insecure.'' for these reasons, I will vote for articles of impeachment.

Mr. SMITH of Oregon. Mr. Speaker, when the Constitution of the United States was being debated throughout the new American states, many people were concerned that, like the monarchy they had fought against, a strong federal government would tend to ''elevate the few at the expense of the many.'' Their concern was addressed by Alexander Hamilton in the Federalist Paper Number 57, and that answer governs the debate here today.

Hamilton argued that, under the Constitution, our elected leaders ''can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them a communion of interests and sympathy of sentiments, of which few governments have furnished examples; but without which every government degenerates into tyranny.''

Then, as today, the belief that no one should be above the law, remains one of the distinguishing characteristics of our government. We are a nation with a multitude of economic circumstances, ethnic backgrounds, and social distinctions. But no matter what our other differences may be, we are all equal before the law. It goes against everything we stand for to allow someone to escape justice simply because they hold a position of power. And while our system is not always perfect, it is our duty, as representatives of the people, and as Americans, to do everything in our power to live up to this ideal no matter what the cost. We are here today to perform our duty, not to bring a Constitutional crisis, as some have said, but instead to protect the Constitution and the principles for which it stands.

All the evidence presented by both sides in this case leads us to the conclusion that the President of the United States, violated his oath of office and committed perjury both in a civil deposition and again before a federal grand jury. Those opposed to this proceeding have offered virtually no evidence to refute this conclusion. Instead, they rely on the assertion that although the President committed perjury, such a violation of the public trust does not rise to the level of an impeachable offense.

The President has twice sworn before the American people to uphold the Constitution and the laws of the United States and yet flagrantly and knowingly violated the very foundation of our legal system. More importantly, the President's actions were expressly aimed at thwarting justice due a citizen who brought a legal case against him. I find it difficult to comprehend how my colleagues, who purport to support the most vulnerable members of society, can argue in favor of the President when he has illegally used the immense powers at his disposal to rob a person, without his same rank or privilege, of justice.

In this century, the Congress has voted overwhelmingly to impeach and remove federal judges for perjury, and at least 115 people are now in prison for lying under oath in civil cases not unlike the President's. Even a member of the President's Administration was recently convicted of lying under oath in a civil case stemming from a consensual sexual relationship. Allowing the President to commit serious crimes against the legal system with impunity tells these people that their mistakes were not made in lying under oath, but rather in lacking the raw power to escape justice. Moreover, it sends a chilling message to all Americans who previously believed they enjoyed the equal protection of our laws.

I support a government based on integrity, morality, and respect for the law, and while I find no pleasure in casting my vote to impeach the President today, I also see no other option. It is a grim moment we all face, but no matter how difficult this decision may be, the alternative would be far worse. Equality before the law manifests itself not only in its protections, but also in its punishments. It defines us as Americans, whatever side we are on, and I regret that, in this case, the President is on the wrong side.

Mr. DEFAZIO. Mr. Speaker, impeachment of a sitting President is one of the gravest responsibilities and powers given to the Congress by the Constitution. Once it is undertaken it will throw the nation into turmoil and paralyze Congress and the Executive branch for months on end. As Alexander Hamilton wrote in the Federalist Papers, ''[Impeachment] will seldom fail to agitate the passions of the whole community, and to divide it into parties more or less friendly or inimical to the accused.'' Impeachment is, in effect, the repudiation of a popular election. It is a constitutional last resort and should not be undertaken lightly or in a partisan manner.

There is no question that President Clinton's behavior has been outrageous, reckless and offensive. He lied to the American people and offered misleading and possibly perjurious testimony in a civil trial and a grand jury proceeding. These are not trivial matters. The question is whether they warrant the constitutional remedy of impeachment.

When I began serving in this office, I took an oath to uphold the Constitution of the United States. In order to understand and fulfill my constitutional duty, I have studied the writings of the framers of our Constitution, as well as the opinions of many noted legal and constitutional scholars. If the President's misdeeds meet the constitutional standard for impeachment, my oath of office would oblige me to vote for his impeachment regardless of my party affiliation. However, if my best judgment is that his offenses do not cross the constitutional threshold, I owe it to the Constitution, to history and to my own conscience to vote against his impeachment.

The Constitution states that impeachment is to be used only in the case of ''treason, bribery and other high crimes and misdemeanors.'' Treason and bribery are unambiguous and represent serious abuses of the office of President and direct attacks on our nation and the integrity our constitutional system of government. By adding ''other high crimes and misdemeanors,'' the framers of our Constitution knowingly chose a phrase that had been in use in English impeachment trials for nearly 400 years. ''High crimes and misdemeanors'' was historically understood to refer to serious official misconduct and abuse of the powers of government by the King or one of his officers. This is clearly the meaning the framers intended.

Alexander Hamilton characterized impeachable offenses as ''political'' actions that involve ''injuries done to society itself.'' George Mason stated that high crimes and misdemeanors are ''attempts to subvert the Constitution.'' Impeachment is the constitutional remedy for gross abuse of the official powers of the President's office or, in the case of bribery, criminal actions in the pursuit of official power. Crimes that do not rise to this level are not impeachable, but can be prosecuted in criminal or civil court. (It is not clear whether the Constitution would allow the President to be prosecuted in criminal court while in office, but there is no doubt that he can be prosecuted after his term expires.)

Constitutional scholars all agree that the framers of the Constitution did not want a President to be impeached simply because a majority of members of Congress disagreed with his policies or found his morals repugnant. We do not have a parliamentary system of government where a Prime Minister can be removed from office at any time. A strong and independent Presidence is vital to our constitutional order.

I have maintained an open mind throughout the Independent Counsel's investigation and the Judiciary Committee's hearings. I was prepared to consider any new evidence or charges brought forth by Mr. Starr or the Committee. As you know, Independent Counsel Kenneth Starr has spent nearly five years and more than $50 million investigating this President. His original charge was to investigate a dubious real estate deal that happened before Mr. Clinton became President. Mr. Starr has produced no evidence of wrongdoing in the

Whitewater matter. At least 15 congressional committees as well as the Federal Bureau of Investigation have undertaken their own investigations of Whitewater, ''Filegate,'' the administration's campaign finance activities, and assorted other allegations of official wrongdoing by this President and his administration. But in the end, we are left with one charge and one charge only: that the President has a private, consensual sexual affair and lied about it.

The House Judiciary Committee alleges that the President committed perjury. Perjury is a very serious matter. However, it is far from clear whether the President's misleading testimony in the Paula Jones civil suit or before a grand jury fit within the law's narrow definition of perjury. Even if it can be proved that the President committed perjury, the question remains whether perjury about a private sexual affair is in the same league as treason, bribery or other gross abuses of the official powers of the office of the President. In the final analysis, I am forced to conclude that it is not and will vote against impeachment in the House.

If the Independent Counsel believes he has a strong legal case against the President, he can and should bring criminal charges against Mr. Clinton. Nothing in the Constitution prevents that outcomes. But impeachment is not only inappropriate in this case, it is profoundly damaging to the Constitution and our nation's interests.

This has been a sad chapter in our nation's history and it's not over yet. As Alexander Hamilton predicted, it has aroused intense and passionate partisan feelings. In fact, I have received more mail, e-mail and phone calls on this matter than on any other issue during my tensure in office. It is safe to say that no matter how it ends, it will leave a lasting mark on our democracy.

Mr. RADANOVICH. Mr. Speaker, when I first ran for Congress I jokingly invited President Clinton into my district to campaign for my opponent. Clearly, we do not see eye to eye. I do intend to vote for his impeachment though, not because of this; not because he had a disrespectful relationship with a subordinate his daughter's age and not because he deliberately lied for months about their relationship to every American.

I am voting for impeachment because he perjured himself twice, first in a civil case and then before a federal grand jury. These actions alone make him unfit for office.

Perjury, obstruction of justice and abuse of power are clearly high crimes and misdemeanors. They are a direct assault on the foundation of America, the rule of law, and on the freedoms of every American.

I don't want to do this, but I would cast this vote even if a President from my own party committed these acts.

I don't appreciate having to be here on the House floor debating impeachment while our troops are fighting in the gulf. But it is the President who, by his own actions and misdeeds, brought a vote on impeachment to America for only the second time in our history. He alone must suffer the consequences.

Mr. KOLBE. Mr. Speaker, it is with a heavy heart but a clear conscience that I will vote for Articles of Impeachment against President William Jefferson Clinton. I know that some of my colleagues who have spoken out in the President's defense have asserted that this impeachment process is illegitimate and, by voting to impeach, this Congress will plunge our nation into a constitutional crisis. But, in fact, this is a legitimate process contemplated by the Constitution and duly authorized by an overwhelming, bipartisan majority of House members. The only crisis we face now is the possibility that we might fail to do our duty as mandated by the Constitution.

This is not about overturning the will of the American people as expressed in the election of 1996. Great weight should be placed on protecting the decision made by the voters, and only the most extraordinary circumstances can justify negating that decision. I believe the circumstances in this case are extraordinary.

While most Americans find the President's underlying conduct in this matter deplorable—and he himself has already admitted as much—such behavior is not, in and of itself, impeachable. But this Congress is not being asked to judge President Clinton's private sexual behavior or his personal morality. Despite what some would have you believe, this case is no more about sex than a bank robbery is about currency.

A grand jury is at the very heart of our judicial system. It is the chief tool by which we ferret out felonious conduct that should be prosecuted. Lying to a Federal grand jury is a grave offense, and the President clearly lied before that grand jury. As our chief law enforcement officer—as a lawyer and officer of the court—President Clinton knew all of this. And yet he chose to lie anyway.

Ours is a nation that holds the rule of law as near to being sacred as any aspect of our form of government. We not only believe that all men and women are created equal, but also that all are equal under the law. Our republic is a tapestry woven from many strands—a written Constitution, laws and statutes, and, just as important, a body of precedents, traditions, and common law developed over more than two centuries. That tapestry is surely worth preserving. Our responsibility, as Members of this Congress, is to keep it from being tattered by the winds which blow against our Republic. I am confident this House will not be found wanting.

Mr. Speaker, I append my statement of December 17, 1998, to this statement.

STATEMENT ON THE IMPEACHMENT OF PRESIDENT WILLIAM JEFFERSON CLINTON

The votes I cast tomorrow on Articles of Impeachment against President Clinton will surely be the most profoundly significant and momentous of my career in public service. During the past 14 years in Congress, I have participated in two other impeachment proceedings; I have voted to send our armed forces into combat in Desert Storm; and I have engaged in countless other political battles. Some of these battles bordered on the absurd, while others truly helped define who we are as Americans, and what we stand for.

This is only the second time in our Nation's history that the House of Representatives will actually vote on Articles of Impeachment against a President of the United Sates. This is, indeed, an historic moment.

As I depart today to carry out my solemn responsibility, I believe it is important for me to first share my decision with those I represent.

Perhaps the greatest challenge I faced in reaching my decision was to cut through all the media punditry and relentless political spin, which has largely served to obscure—rather than illuminate—the facts and the law in this case.

I know some argue that this process is illegitimate and, by voting to impeach, Congress will plunge our nation into a constitutional crisis. But, in fact, this is a legitimate process contemplated by the Constitution and duly authorized by an overwhelming, bipartisan majority of House members. The only crisis we face now is the possibility that we might fail to do our duty as mandated by the Constitution.

This is not about convicting the President of perjury, obstruction of justice, or abuse of power. That responsibility is reserved exclusively to the Senate. No aspect of this debate has been more misrepresented by mainstream news media, and thus so poorly understood by the public. As one of our founding fathers, Alexander Hamilton, said clearly in Federalist Paper No. 66:

''The division . . . between the two branches of the legislative, assigning to one the right of accusing, to the other the right of judging, avoids the inconveniences of making the same persons both accusers and judges.''

This point is important, for it is a well established principle of our system of jurisprudence that the standard of evidence to bring charges is substantially lower than that required to convict. Granted, no prosecutor would bring a case to a grand jury without a reasonable expectation that a conviction could be obtained.

While Congress does not operate as a court of law when we consider impeachment, this is nevertheless as close to a legal proceeding as Congress gets. And so, as a defacto grand juror, the question I must ask myself is this: Is the weight of evidence now sufficient to require the Senate to conduct a trial?

This is not a vendetta against this President. I bear him no personal ill will. While I have differed with President Clinton on numerous questions of policy, we have also agreed on various issues. For example, I have worked closely with this Administration, and President Clinton personally, to pass NAFTA and build a bipartisan, free-trade coalition. And as recently as last week, I joined with President Clinton and other Congressional leaders at Blair House, trying to forge a bipartisan consensus on Social Security reform.

Like the vast majority of my colleagues in Congress, and I dare say most Americans, I am terribly saddened by this entire, tawdry affair. I believe it has diminished respect for our nation and the Office of the President, if not all elected officials. President Clinton is, undeniably, a shrewd political leader who possesses enormous personal charm and a remarkable intellect. But I cannot allow my admiration for President Clinton's considerable skills to cloud my judgment in this matter.

What else is this vote not about? It is not about overturning the will of the American people as expressed in the election of 1996. Great weight should be placed on protecting the decision made by the voters, and only the most extraordinary circumstances can justify negating that decision. I believe the circumstances here are extraordinary.

And it is precisely for this reason that the Constitution invests in the Congress the power to impeach a President. The framers recognized that, while the judiciary could adjudicate most cases of public malfeasance, a special process was necessary to accuse, try, and remove a President from office. Impeachment and conviction are the only means by which a President, fatally corrupted or guilty of abusing the power of his office, could be removed. These are the only means by which our Constitution and all the institutions therein can be protected from further damage.

Finally, this matter is most assuredly not about sex or lying about sex. While most Americans find the underlying conduct of

the President deplorable—and he himself has already admitted as much—such behavior is not, in and of itself, impeachable. Congress is not being asked to judge President Clinton's private sexual behavior or his personal morality. The spinmeisters' mantra notwithstanding, this case is no more about sex than a bank robbery is about currency. Rather, the Articles of Impeachment accuse President Clinton of lying in a civil deposition, committing perjury before a Federal grand jury, obstructing justice, and abusing the power and the office of the Presidency. And I have based my decision on a careful review of these articles and the supporting evidence, which I believe is substantial and credible.

The heart of the case is perjury: Did President Clinton lie under oath when he gave testimony in his deposition in a civil rights lawsuit, and did he subsequently lie under oath to a Federal grand jury when questioned about that testimony?

The evidence is overwhelming that he did lie. Even many of his most ardent supporters in Congress acknowledge that he lied and committed perjury in both instances. Some continue to assert, as the President does, that he only intended to ''mislead,'' and that does not conform to perjury as the Supreme Court defined it in 1973, in Bronston v. U.S. But the President's testimony exceeded even that high threshold of perjury.

Listen to what the President said when questioned by his own attorney in the Paula Jones lawsuit deposition before a Federal judge:

Robert Bennett, the President's lawyer, said: ''In [Monica Lewinsky's] affidavit, she says 'I have never had a sexual relationship with the President . . .' Is that a true and accurate statement . . .?''

President Clinton responded: ''That is absolutely true.''

No reasonable person could conclude, from what we now know of what transpired between the President and Ms. Lewinsky, that this statement is anything other than a perjurious lie. So the only question which remains for me to ponder in considering the first two Articles of Impeachment is whether perjury in a matter of personal behavior rises to the level of an impeachable offense.

A legal definition of treason can be found in the Constitution itself, and federal statutes give adequate judicial guidance with respect to the matter of bribery. But the framers left to future Congresses to decide what constitutes ''other high crimes and misdemeanors.'' I believe there is ample evidence that felonious conduct—and perjury is a felony—falls well within the bounds of what our forefathers intended the phrase ''high crimes and misdemeanors'' to include.

The Minority Counsel for the Judiciary Committee relied upon language used in the 1974 impeachment report dealing with President Nixon to suggest that these are not impeachable offenses. The committee that voted out Articles of Impeachment in the Nixon case said: '' . . . impeachment . . . is to be predicated upon conduct seriously incompatible with either the constitutional form and principles of government or the proper performance of constitutional duties of the Presidential office.''

But ours is a nation that holds the rule of law as near to being sacred as any aspect of our form of government. We not only believe that all men and women are created equal, but also that all are equal under the law. Our republic is a tapestry woven from many strands, including a written Constitution, numerous laws and statutes, and—just as important—a body of precedents, traditions, and common law developed over more than two centuries. If our Star Spangled Banner is worth preserving, then certainly the tapestry of law and justice for which it stands is worth preserving, too.

President Clinton solemnly swore to protect and defend the Constitution of the United States, and to see that the laws shall be faithfully executed. He is the principal law enforcement officer of the United States. What possible respect for the rule of law can any of us have—or demand of others—if our President is not to be held accountable for perjury, just because he is the President or because the underlying circumstances for lying relates to personal behavior?

Is perjury relative? No. Does it only apply in some cases? No. Should we apply penalties selectively? No. Are some individuals more equal than others, and are we to treat them differently? Absolutely not. And I can think of no prescription more certain to undermine our system of jurisprudence than to answer affirmatively to these questions. I cannot.

Stuart Taylor, writing in the National Journal, noted that ''Before President Clinton got caught, no constitutional expert had ever suggested it would be wrong to impeach a President for crimes such as lying under oath (even about sex), suborning perjury, or obstructing both a civil rights lawsuit and a criminal investigation.'' And, I would add, if we need a precise legal precedent for perjury as grounds for impeachment, I can refer to a vote I cast nine years ago to impeach Judge Nixon of Mississippi. The charge, then as now, was perjury.

Having said all this, I do make a distinction between perjury before a Federal grand jury and lying in a civil deposition. Both are perjury. But a grand jury is at the very heart of our judicial system. It's the chief tool by which we ferret out felonious conduct that should be prosecuted. Lying to a grand jury is the graver offense, in my view, and the President clearly lied before that grand jury. As our chief law enforcement officer—as a lawyer and officer of the court—President Clinton knew all of this. And yet he chose to lie anyway.

Lying in a deposition taken in a civil case strikes a more glancing blow at the integrity of our judicial system. Here, I believe the balance of other factors, including the imperative to respect the integrity of the electoral process, argues against impeachment. For me, this was a very close call. Therefore, I will vote for impeachment on Article I, but not on Article II.

Turning to Article III, I believe the weight of evidence is sufficient to try the President on this article, dealing with obstruction of justice. I will vote to send this article to the Senate for trial.

The President did encourage Ms. Lewinsky to file a false affidavit in the Paula Jones case. He had prior knowledge that she would be subpoenaed; he knew what her affidavit said; and he knew it to be false.

Can a reasonable person come to any conclusion about President Clinton's post-deposition conversation with his personal secretary, Betty Currie, other than this: That he purposefully suggested to her—indirectly but with specificity—the gist of his testimony and desired that Ms. Currie should conform to it in the event she might be called as a witness? Ms. Currie testified that she believed this was the President's intent. And yet, the declaratory statements he made to her that Sunday morning were known by him to be false.

How do we explain why Ms. Currie would suddenly be motivated to retrieve gifts President Clinton had given to Ms. Lewinsky—evidence which certainly would be subpoenaed by a federal court—and hide them under her bed? How do we explain why the President had such a intense personal interest in seeing to it that Ms. Lewinsky found a job in New York after—and only after—her name appeared on the witness list in the Paula Jones case?

All of these actions—the false affidavit, the coaching of Betty Currie, the retrieval of the gifts, the effort to find Ms. Lewinsky a job—are at the core of the case to be made for obstruction of justice. The pattern of evidence clearly requires a complete examination in the Senate.

The fourth and final Article of Impeachment deals with abuse of power by the President. To my mind, this is the most troubling, but also the most subjective.

As chairman of the House Appropriations Subcommittee that funds the Executive Office of the President I have experienced the Clinton Administration's ''stonewalling'' efforts first hand. And I must say, as I listened to the testimony of Independent Counsel Kenneth Starr before the Judiciary Committee, I found his litany about the lack of cooperation by the White House Counsel office distressingly familiar.

Clearly, the evidence offered in support of Article IV suggests a pattern of abuse of power. Sending loyal cabinet members and White House aides before the cameras to proclaim the President's innocence, when he knew their statements to be false, is surely despicable. The President's aggressive efforts to undermine the Independent Counsel's investigation were outrageous. But are these offenses impeachable? I have concluded that they are not.

I return to Washington today with a heavy heart, but I am buoyed by the wonderful expressions of support I have received from so many—friends and total strangers alike—who have urged me to do what I believe to be right, whatever that decision might be. I also want to commend the thousands of individuals who have contacted my district and Washington offices during the last several weeks to express their views. Having answered scores of constituent phone calls myself, I am well aware that the people of southern Arizona are deeply divided or the prospect of Impeachment.

I said at the outset that this is a decision I must make alone, based on my conscience and best judgment of the facts and the law. No Republic Congressional leaders have contacted me of attempted to influence my votes. Should there be political repercussion as a result of the votes I will cast tomorrow, so be it. Whatever the outcome of tomorrow's votes, it will certainly be one of the saddest moments in our nation's history. But I will cast my votes with confidence that I have done what I believe is right, for the sake of our nation,

Mr. GUTKNECHT. Mr. Speaker, this is a solemn and sober occasion. It is day and a duty that all of us had hoped we could avoid. But, this day and that duty came. On historic days like this, we must draw strength from the heroic figures who have gone before us.

From Valley Forge, to Gettysburg, from Normandy to this very day, Americans have found the courage to do what was required. And we, in our day, with God's help, will meet this challenge. We will stand today for the rule of law, or we will submit to the rule of men.

Mr. Speaker, the matters before us are difficult, but they are not complicated.

Our friends on the other side offered no real defense for the charges. Indeed, in their own resolution, they acknowledged that Mr. Clinton failed to tell the truth to a Federal Grand Jury. They agree that he has brought dishonor on himself and on the high office he holds.

On several occasions, Mr. Clinton put one hand on the Bible and took an oath. Twice he pledged to ''preserve, protect, and defend the Constitution of the United States.'' As President, he has the responsibility to ''take care that the laws be faithfully executed.''

Subsequently, Mr. Clinton swore under oath ''to tell the truth, the whole truth, and nothing but the truth.'' He was warned by his supporters and his attorneys of the dire consequences of breaking that oath. As an attorney himself, Mr. Clinton understood very well the gravity of perjury. He understood the seriousness of witness tampering and obstruction of justice.

Our entire system of justice and indeed our very rule of law is built on the bedrock that oaths are sacred. Were it not so, why would we use Bibles? Or, why take oaths at all?

The evidence is overwhelming, the Constitution is clear. My conclusion is inescapable. Bill Clinton violated his oath of office. He violated his oath to tell the truth, the whole truth and nothing but the truth. He did willfully commit perjury, obstruct justice, and subvert the legal process. His actions have brought dishonor upon the high office that the American people have entrusted to him.

If we in Congress fail to act in this case, we will have set a terrible precedent. We will have said that there are two standards—one for powerful politicians, and another for everyone else.

Mr. Speaker, we must today rise to our Constitutional responsibilities. We must do our duty. We answer to our conscience and to posterity.

It is with a heavy heart but a clear conscience that I will cast my vote in favor of these Articles of Impeachment.

Mr. GEJDENSON. Mr. Speaker, the full House meets today for only the second time in our nation's history to consider Articles of Impeachment against a sitting President. Other than declaring war, impeaching the President is the most solemn Constitutional issue Congress will ever address. The seriousness of the issue is only compounded by the fact that as a democracy, where power and authority flow from the people, the citizenry—not the government—selects the nation's leaders. As a result, it is a matter of utmost public concern when the government, in the form of this Congress, takes steps to remove the people's choice. I know that my Republican colleagues wholeheartedly agree that the Constitution is designed to specifically limit the authority of the national government. I would remind the members who have brought these Articles to the floor that impeachment is the ultimate ''big government'' action.

The founding fathers envisioned that it might be necessary under very limited circumstances for the government to take such action. They provided Congress with the authority to remove the ''President, Vice President, and all civil Officers of the United States . . . on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.'' The issue before us today is whether or not the President's actions meet the Constitutional threshold set for impeachment and whether or not the process which has governed the actions of the House to date passes Constitutional and legal muster.

Let me begin by saying that the President's conduct was wrong. I am most disappointed that he mislead the American people for many months. He should have told us the truth from the very beginning. I echo the President's conclusion that his conduct demonstrated a critical lapse of judgment and is deserving of public rebuke. With that said, I believe it is important to note that the President is continuing to do his duty. I believe a case could be made for impeachment if the President stopped carrying out his responsibilities, ceased his efforts on behalf of the American people and allowed the national security of the United States to be jeopardized.

The Constitution is the nation's organic act. It serves as the vehicle through which the American people grant certain powers to the national government. It affords every American the greatest set of fundamental rights available anywhere in the world. It is a living document which is interpreted every day by the executive, legislative and judicial branches of our government. However, our entire system of Constitutional jurisprudence is based on ascertaining the intent of the men who wrote the document and the citizens who approved it 210 years ago. As a result, we must rely on contemporary accounts of the debate at the Constitutional Conventional and state ratifying conventions, early Supreme Court decisions which articulated this intent, and scholarly analysis to inform us about events, points of view, areas of agreement and matters of contention which we can not directly observe. With that in mind, the first step in our deliberation must be to determine how the framers intended impeachment to be employed in our system.

The Judiciary Committee held a hearing in early November which was designed to help us understand the intent of the framers of the Constitution. Although the positions taken by the participants appeared polarized, even irreconcilable, at times, I detect a common thread which is absolutely crucial to our debate today. Many of the scholars who testified made a point which goes to the heart of the Constitutional design of impeachment. Professor Mattew Holden explained that impeachment is the ultimate check available to Congress in our system of checks and balances between branches. Impeachment is available as a last resort if all other devices—laws, oversight or overriding Presidential vetoes—fail to ensure that the President operates within established Constitutional boundaries. Professor Holden stated that ''in ultimate defense, [the founding fathers] put in the impeachment procedure, giving Congress some power to remove a President from office.'' Father Robert Drinan, who served on the Judiciary Committee during Watergate, echoed this conclusion when he explained that the ''* * * Congress has almost always understood that impeachment was designed by the founding fathers to be a remedy intended only for a dire situation for which no other political remedy exists.'' He summarized his comments by describing impeachment as ''a final safety net in case somehow the separation of powers did not work and that a nearly tyrant in the executive branch could not be stopped by any means short of removal.''

Under the Constitution, impeachment is designed as the ultimate check on an errant executive who can not be constrained by any other means. Impeachment is not intended to be used as a device to express disapproval of certain actions or to shame the President. There are other mechanisms to achieve this goal—mechanisms that this institution is currently employing with considerable effectiveness. I do not believe the use of impeachment by the House today conforms to this Constitutional standard.

Mr. Speaker, I strongly believe that the process which has governed this gravely serious issue has been flawed from the very beginning. It has been decidedly partisan and one-sided. As Professor Arthur Schlesinger testified before the Committee, the framers further believed that, if the impeachment process is to acquire popular legitimacy, the bill of particulars must be seen as impeachable by broad sections of the electorate. The charges must be so grave and the evidence for them so weighty that they persuade members of both parties that removal must be considered.'' the party-line votes in the Committee and the consistent finding that about 60% of the American people do not support impeachment demonstrate that neither of these essential conditions has been met.

Some members of the majority argue that to fail to impeach the President would hold him to a lower standard than any other American and put him ''above the law.'' This argument has two fundamental flaws. First, the President is fully subject to indictment and prosecution after this term expires. The Independence Counsel is preserving certain options which would allow the federal government to take this very action. Second, the President is subject to a form of punishment which can not be imposed on average citizens—impeachment. However, the Constitution requires that he commit ''Treason, Bribery or other high Crimes and Misdemeanors'' in order to be impeachment. These are not just any criminal offenses, but offenses which threaten the very existence of the state, our form of government, and the American people's fundamental interest in exercising control over their leaders. The standard to prove such offenses must be very high.

Although impeachment takes place with the House of Representatives rather than in a federal courthouse, I do not believe that means fundamental legal standards which undergird our entire society become irrelevant. It is incredulous to agree that the President is entitled to a lower standard of legal protection than any other citizen. I agree with my colleagues that ''no citizen is above the law.'' At the same time, no one should be below it either. It is a fundamental premise in our system that someone can not be tried without being informed of the specific charges against them. It is impossible to mount a defense against unknown or extremely vague charges. In addition, our legal system is based on the bedrock tenet that charges must be substantiated by an increasing level of proof based on the seriousness of the offense. Perjury and obstruction of justice are serious offenses indeed. As a result, federal law, the authority on which the Independent Counsel bases his charges, request the government to prove ''beyond a reasonable doubt''—the weightiest burden of proof in our system—that a defendant committed these offense.

The Articles of Impeachment before the House today fail to provide the President, or the members of the House with specific statements or actions which the majority contends constituted ''perjurious, false and misleading testimony.'' Article I states that the President provided false statements concerning the ''nature and details of his relationship with subordinate Government employee'' and ''testimony he gave in a Federal civil rights action brought against him.'' Article II states that he President

provided ''perjurious, false and misleading testimony in responses to questions deemed relevant * * *'' about ''conduct and proposed conduct'' and ''the nature and details of his relationship [with Ms. Lewinsky].''

What specific statement does the majority believe are ''perjurious?'' What were the ''relevant questions?'' Where are the specific statements which meet the legal requirement of proof beyond a reasonable doubt? With the stakes as high as they are, it is unacceptable for the Committee to offer vague generalities as the grounds for impeachment. If the Committee could meet the legal standard which applies in every courtroom across America, a reasonable person would conclude that those statements would be listed in the Articles. Failure to do so leads me to conclude that the majority can not meet the standard so it has restored to vague generalities. This conclusion is buttressed by the testimony before the Committee of five former Federal prosecutors who were unanimous in their conclusion that the evidence supporting the charges of perjury and obstruction of justice is extremely weak. In addition, they agreed that no responsible federal prosecutor would ever take a case based on the evidence before this body to trial. Voting to impeach the President of the United States requires that this institution have clear and overwhelming evidence that he engaged in specific act of misconduct which undermine our system of government. Absent this proof, it flies in the face of the intent of the founders to impeach the President.

The fundamental weakness in the process extends to the Committee's investigation of and deliberation on this nationally significant issue. One only needs to consider a few examples to understand the fundamental shortcomings of the process. First and foremost, the Committee did not conduct an independent investigation of this complex situation. It relied exclusively on the evidence gathered, and packaged, by the Independent Counsel. This evidence and the testimony of the witnesses was never subject to across examination by the defendant—the President of the United States. Our legal system relies on an adversarial process—manifest most directly in the cross examination of witnesses—to discover the truth and to expose fundamental contradictions. The evidence and testimony gathered without the benefit of this process would be considered suspect, and strongly challenged, by virtually any lawyer in this country.

The fundamental weakness of the evidence has only been compounded by the fact that the Committee did not hear testimony directly from any of the central witnesses in this case. During the Watergate hearings, the House Judiciary Committee called several of the central figures in the drama—John Mitchell, John Dean, Charles Colson and Alexander Butterfield—to testify. The members of the Committee—Democrat and Republican—were able to question these witnesses directly, follow-up on vague answers or pursue lines of questions as they developed. The Committee did not rely solely on an outside entity to gather evidence and question witnesses when considering whether or not to impeach the President.

Quite to the contrary, the Judiciary Committee did not hear directly from a single witness who was a participant in any of the events in question. The fact witnesses today include Monica Lewinsky, Linda Tripp and Betty Currie. The majority on the Committee maintains that it would have been too unseemly to call these witnesses, it would have been too embarrassing. These excuses fall far short of the mark. The House has the Constitutional duty to consider impeachment. This is not an easy task, it is not fun— and it should not be. Nevertheless, the House has an obligation to hear from witnesses directly and to question them in an effort to get information which reflects all sides of the story. The failure to do so dramatically undermines the credibility of the Committee's findings because it abdicated its responsibility under the Constitution by relying exclusively on the evidence and testimony presented by the Independent Counsel.

I believe it is absolutely critical for the House to conduct an independent, direct investigation because members are acting on behalf of the American people. This body is considering taking step to overturn two national elections. In order to take this action, this body has a solemn obligation to gather evidence, examine the central witnesses and delve directly into all of the issues which could impact on the decision to impeach. Accountability for this decision rests unequivocally with this institution—not the Independent Counsel, not a grand jury, not even with the President. As a result, it is incumbent on the House to take the predominate role in the investigation. This essential standard, which guarantees accountability to the American people, has not been met.

I would like to take a moment to review the Articles before the House. I have already commented on the weaknesses of Articles I and II from a legal standpoint. They consists of nothing more than vague generalities unsupported by clear and convincing evidence. It goes without saying that the Constitution demands that the President be charged with specific acts of wrong-doing which are substantiated by overwhelming evidence before he can be impeached. Article III appears to be a catchall category where the majority piled on allegations. This action only serves to compromise the process further.

Article IV is interesting both in terms of the charges it levels as well as a historical sleight of hand the majority attempts. This article maintains that the President ''contravened the authority of the legislative branch . . . in that . . . [he] refused and failed to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission propounded to him. . . . As far as I know, the Committee sent the President 81 questions and he responded to each of them. I read in the papers after the responses were provided around Thanksgiving that members on the majority side of the Committee found the answers to be ''arrogant'' and ''not contrite enough.'' Perhaps this Article should read that ''the President failed to provide contrite answers to the Committee's questions.'' This would be a more accurate description than the President failed to respond to the Committee's request for information.

This article also includes what I referred to above as a historical sleight of hand. The third Article of Impeachment against President Richard Nixon stated that by refusing to comply with 8 subpoenas approved by the Judiciary Committee requesting more than 140 documents and taped conversations, the President had ''assum[ed] to himself the functions and judgements necessary to exercise of the sole power of impeachment vested by the Constitution in the House of Representatives.'' The Committee levels this very same, profoundly serious charge against President Clinton regardless of the fact that he was never served with any subpoenas from the Committee and provided responses to questions submitted in writing.

It strains credibility to maintain that the President ''assumed'' the authority of the House in this area. The Judiciary Committee has moved with considerable speed and little impediment to bring us to where we stand today. The Committee uses this language completely out of its historical context. The statement was appropriate 24 years ago when President Nixon defied multiple subpoenas and withheld documents and other materials which were crucial to the investigation. There is no parallel today by any stretch of the imagination. The decision appears to be yet another attempt to boost charges, which lack substantial factual background, with rhetoric which suggests the President committed terrible offenses. This tactic further demeans an already flawed process.

I would like to make one final point which illustrates that this process does not comport with the Constitution. Article I, Section 2 of the Constitution states that the ''House of Representatives . . . shall have the sole Power of Impeachment.'' Impeachment is the power to charge—not judge. Article I, Section 3 grants the Senate this authority. It states that the ''Senate shall have the sole Power to try all Impeachments'' and that ''judgement in Cases of Impeachment shall not extend further than removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States.'' It is up to the Senate to determine whether or not the President should be removed and/or disqualified from holding any other office. However, in each and every one of the Articles before us today, the majority makes this very judgement. This is not the role of the House as set forth in the Constitution. Where is the indignation about the rule of law or the lofty commentary about our duty to uphold the tenets of the Constitution? It is ironic that in an Article alleging that the President usurped the authority of the House, the majority is usurping the authority the Constitution grants to the Senate.

Mr. Speaker, the founders designed impeachment as a ''last resort'' to remove a President who was impervious to any other method of control. They set the bar very high in an effort to ensure that impeachment would not become a weapon which could be deployed for partisan political gain. Removing a sitting President requires the proponents of such action to demonstrate clearly, convincingly and specifically that the President has committed ''Treason, Bribery or other high Crimes and Misdemeanors.'' It is clear to me that the proponents have not met this standard.

Moreover, the gravity of the action demands that the House utilize a decision making process which adheres to fundamental legal and Constitutional principles. Unfortunately, the process to date falls far short on both. The burden of proof required to charge the President with the offenses alleged has not been

met and he has not been informed of the specific actions which have placed him in jeopardy. In addition, in my opinion, the House has abdicated its duty under the Constitution to gather the facts and to hear from the witnesses directly. The independent Counsel statute does not supersede the Constitution. It does not trump the obligation that this institution has to the American people, and to itself, to conduct an independent investigation and to hear directly from material witnesses before taking the momentous step of impeaching the President. The House has failed in this regard and, in so doing, undermined the legitimacy of the Articles before us today.

Mr. Speaker, I know all too well what America symbolizes to the world. My mother and father survived Hitler and Stalin and fled to the United States following World War II. To them, this country was a shining beacon of democracy, human rights an the principle that the rule of law is fixed by a constitution which cannot be changed by the whim of one ruler, or, even, a legislature.

The action of the Republican majority in bringing these Articles of Impeachment to the floor resembles a coup more than the Constitutional impeachment process the founders intended. I do not use this language lightly, I do not make this point frivolously. I have come to this conclusion based on the fact that these Articles do not meet the standards demanded by the Constitution and our legal system. It would be understandable if a fledgling democracy in Latin America or the Third World was struggling to determine the practical operation of provisions of a new constitution and erred in so doing. The United States, as the world's oldest constitutional democracy, could not be further removed from this scenario. After 210 years, we know the intention of the framers concerning impeachment. The misuse of the process is sending a terrible signal to the nations of the world that emulate the United States because we are governed by a set of fundamental constitutional principles which are grounded in the intent of the framers.

Due to Constitutional, legal and procedural shortcomings, I cannot support these Articles of Impeachment. In Federalist 65, Alexander Hamilton used the following words to describe how he feared the impeachment process could be misused: ''. . . There will always be the greatest danger that the decision [to impeach] will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.'' Hamilton foresaw the abuse we witness today. Members should heed his warning and vote against the Articles of Impeachment.

Mr. PALLONE. Mr. Speaker, let me start by saying how wrong it is to conduct this debate while our troops are in harm's way. Saddam Hussein will surely be emboldened by the Republicans' comments and conduct today and that will undermine our policy toward Iraq and our national security interests.

Since we have nonetheless decided to proceed, I want to take issue with the opening remarks of the Chairman of the Judiciary Committee, Mr. HYDE.

I deeply regret his effort to characterize the impeachment of the President as necessary to uphold the Constitution and the rule of law. He is wrong, wrong, wrong.

Equally offensive to me was Mr. HYDE's suggestion that the Radical Republicans who seek to impeach our President today are carrying out the legacy of Moses, ancient Greece and Rome, the Magna Carta and all the precusors of Democracy, which we hold so dear.

The Radical Republicans who seek to impeach the President are, in fact, the heirs of those who would undermine our democracy—their precursors are those who would inspire a tyranny of the majority: Cromwell and his Puritans who sought to use the British Parliament to abolish freedom of religion, Robspierre and the French National Assembly who initiated the Reign of Terror, and most analogous—the Radical Republicans, who contrary to the wishes of the assassinated President Lincoln, salted the wounds of a divided America after the Civil War and unjustly impeached President Andrew Johnson.

Mr. HYDE said the Republican effort today is not a vindictive political crusade. I fact, that is exactly what it is—one of the darkest days in the nation's history, and a blot on our democracy just as dark as the impeachment of President Andrew Johnson without cause.

Why do I cite the tyranny of the majority? Because the Radical Republicans will not let the Members of this House consider and vote on a bipartisan compromise of censure. The Radical Republicans are guilty of thwarting the will of the American people

Why do I say that the Radical Republicans are not honoring the Constitution? Because the President's conduct, while reprehensible, does not fit the definition under the Constitution as an act of treason, bribery or high crimes and misdemeanors, and therefore does not rise to an impeachable offense to justify the removal of the President.

I listened carefully to Mr. HYDE's remarks earlier and he seemed to suggest that it was necessary to lower the bar for impeachment to include lying about sex because the President held such an important position and needed to serve as a moral authority. But our job under the Constitution is not to set moral standards, as Mr. HYDE suggests, but to uphold the Constitution and the rule of law.

The Radical Republicans in seeking to impeach the President do the opposite. In the tradition of their predecessors after the Civil War, they rip apart the Constitution in a politically vindictive tyranny of the majority.

Mr. EDWARDS. Mr. Speaker, except for a declaration of war, a U.S. Representative can never be called upon to make a decision requiring more serious or solemn consideration than on a vote to impeach a President of the United States.

I believe what President Clinton did was indefensible and immoral, but I do not think his actions, however, wrong, reached the high constitutional threshold for impeachment and the overturning of the only national election in our democracy.

Over 200 years ago, George Mason proposed the language in Article II, Section 4 of the Constitution establishing the grounds for impeachment as ''treason, bribery or other high crimes and misdemeanors.'' He defined these actions to mean only ''great and dangerous offenses'' or ''attempts to subvert the Constitution.'' Having a private affair and hiding it are wrong under any circumstances, but I am not convinced such actions ''subvert the Constitution'' and justify nullifying the votes of 47 million American citizens.

I condemn the President's actions and believe bipartisan congressional censure and the possibility of future criminal action would be appropriate punishment for his affair and subsequent misleading statements.

Consider the chance that a Senate conviction would be extremely remote, the specter of a three to nine month Senate trial with tawdry televised testimony from Monica Lewinsky, Linda Tripp, and Kenneth Starr would punish the nation and our families far more than it would punish Bill Clinton.

The President should be strongly censured by Congress and then have his day in court like any other citizen. He should not be above the law and he should not be below the law. History and God will be his ultimate judge.

The hindsight of history will be harsh on this Congress and this unfair process. For some to speak of their vote of conscience today even as they deny a vote of deep conscience for others is in itself unconscionable. A process whose goal was to emulate the Watergate legacy, sadly, will leave a legacy more akin to the impeachment of Andrew Johnson, a legacy of partisanship, unfairness, and rush to judgment.

In the name of the Constitution, this process trampled on the Constitution, Article II and VI. In the name of ''the rule of law'' this process ignored the fundamental principles of due process and fairness that form the foundation of that rule of law. In the name of ''no person is above the law'' this process forgot that no citizen should be below the law. In the name of justice, this process ignored the pillar of justice that in our nation, a citizen is innocent until proven guilty, not guilty until proven innocent. In the name of America, this process raised the ugly debate of who is a ''real'' American. History will judge this process as a combination of Kafka, ''To Kill A Mockingbird,'' and Keystone Kops.

Mr. Speaker, if the Golden Rule were to be our guide, who among us in this House would want to be a defendant in a case where the rules of law and fairness were ignored? Where secret grand jury testimony was released to the world? Where there was not one direct fact-witness? Where your defense attorney was limited to one hour of cross-examination of your chief accuser, who spent four years and forty million dollars investigating you? Where your attorney was forced to give your final defense before even one formal charge had been presented against you? Where the charges of perjury that were finally presented at the 11th hour failed the test of decency to list which statements were allegedly perjurious?

Surely, Mr. Speaker, no Member of this House would ever want or deserve to be a defendant in such a case. Yet, if we would not want to be judged by such an unfair process, then what right do we have to judge anyone else by that process? To even suggest that such a process was somehow fair because impeachment is not a trial would be to hid behind a fig leaf of legalism for those who claim to revere the principles of ''the rule of law'' and ''equal justice under the law.''

I will not question the final decision of any Member of this House for these are votes of conscience. However, just as we are judges today, history will judge this Congress tomorrow and for generations to come. Perhaps the ultimate justice is that history will judge that on this matter, the Congress and the President both failed to meet the highest standards in the sacred stewardship of the public trust.

As we end this Congress, regrettably, on a note of partisanship and ill will, one week before Christmas, perhaps it would be good if the President and all of us of all faiths, myself included, paused in the days ahead to reflect on the values of a small child born in Bethlehem whose life taught the world the power of love, forgiveness, and compassion. Maybe then the next Congress and our President could share the common bond and highest ideals of public service.

Mr. SERRANO. Mr. Speaker, I rise to oppose the resolution providing for the impeachment of the President of the United States and to protest this very unfair and partisan process. The Republican majority in this House is railroading President Clinton, thwarting the will of the American people, and setting dangerous precedents for the use of impeachment against future Presidents.

It is particularly outrageous that you Republicans insist on moving forward with this proceeding at the very time the United States is leading military strikes against Iraq and U.S. military personnel are in harm's way. It cannot help our service members' morale nor bolster our authority in the world that the Commander-in-Chief is under attack by rabid partisans who don't seem to care what other harm they cause if they can drag this President down.

I was one of five Members who voted against any investigation of the President and I will not vote to impeach him. I honestly believe that what President Clinton is accused of doing does not reach the threshold the Framers established for impeachment. The President by his actions has not threatened the nation's stability or brought an attack on the Constitution or presented problems for our Constitutional process.

Short of declaring war, a vote on Presidential impeachment is the most serious vote a Member of this House can cast. But not all Members are taking this historic duty seriously.

Many on your side of the aisle, Mr. Speaker, seem to forget that the Starr referral tells only one side of the story. It appears many have refused to seriously consider the presentations of the President's lawyers or any other information that might support the President's case against impeachment.

In fact, much of what we see today is the result of the desire of a group of people, including many House Republicans, to destroy this President. Within weeks of his election, I was seeing ''Impeach Clinton'' bumper stickers. And now, as columnist Richard Cohen put it in a Washington Post op-ed on Tuesday, Republicans have made impeaching President Clinton ''a matter of party discipline, not of conscience, nor, for that matter, of logic.''

How else to explain how an investigation that began with Whitewater became an impeachment process based on a private consensual affair? Or why the Judiciary Committee failed to set a standard for impeachment or to investigate the charges by calling witnesses with knowledge of the facts, but instead just swallowed the Starr report whole? Or why the Republican leadership will not let the House vote on censure?

Of the articles of impeachment, the two alleging perjury are considered the more plausible—most experts believe the evidence does not support allegations of obstruction of justice or abuse of power—but I am very concerned about how loosely the term ''perjury'' is being used in this process.

I am old enough to remember when offenses like loitering or vagrancy were used to harass poor people, minorities, antiwar activists, and other undesirables, until the courts threw them out as too broad and arbitrary. Now, ''perjury'' is being used broadly to refer to incomplete, misleading, even false statements, but ''perjury'' has a much more specific legal meaning, and I don't think the Republicans have proven that it occurred in this case. But rather than criticize the President's team for ''legalisms'', we should remember that the precise language of the law is a protection of our liberties.

The Founders did not provide for impeachment to punish a President for behavior Congress doesn't like, for refusing to confess in public to an offense he doesn't believe he committed, or for not being contrite enough.

Mr. Speaker, any offenses the President may have committed were not against our Constitution or our republic. Nothing he is accused of amounts to bribery, treason, high crimes or high misdemeanors. A private consensual relationship is not an impeachable offense. Nor does any element of this sorry situation justify overturning a national election and disenfranchising millions of Americans.

The American people are smart enough to understand what is going on, and they say ''Stop!'' They continue to support the President, and that is what we should do. I will continue to support President Clinton and his efforts to make life better for all Americans.

There is still a lot of work to do, and Bill Clinton has the ability, intelligence, and understanding to handle crucial issues before us. That is what is important and this is what the American people want.

Mr. Speaker, the nation has had enough. Impeachment is overkill in this case. We don't need the spectacle of a Senate trial to divert attention from the nation's business for second year, or even part of a year. We don't need the long-term political warfare a near party-line vote will surely generate.

For all these reasons, I urge my colleagues to vote against impeaching President Clinton.

Mr. Speaker, many of my colleagues have spoke today about the legal aspects of the impeachment procedure and I want to speak on this matter in terms that the people of this great nation understand. I will speak about the real reasons why the Republicans want to impeach President Clinton. Mr. Speaker, a short time after Bill Clinton was elected, I began to see ''Impeach Clinton'' bumper stickers along certain parts of I–95. It dawned on me than that his Presidency was one that was going to come under attack regardless of whether or not it turned out to be a good one. Since that time the right wing has not given up on its desire to destroy his Presidency. Talk shows hosts quickly began to insult him and show a lack of respect for him and his office. It should be clear to anyone who has paid attention that the right wing has not gotten over the fact that the President has been elected and re-elected. And so here we are today in the middle of a right wing coup. It does not matter what they tell you here this weekend, the fact is that the majority party is trying to undo the last two elections. The Republican right-wing has not gotten over Bill Clinton's success as President. And so what we are seeing here today is an attempt to use the Constitution as a bully's weapon. You Republicans may have the votes to overthrow this President but you do have the support of the same American people who you always hold up as the people we, in the Congress, should listen to. You may have the votes but the American people will not let you get away with it. An investigation about a land deal called Whitewater came back to us as an impeachment having to do with the private life of the President. This investigation consisted of illegal tape recordings, one-sided testimony, and no provisions for the President to mount a proper defense. You knew that, but you still decided to release all of this information in order to build opinion against the President and set out to finally get him. But it backfired. The American people have not bought your bullying tactics. They have told you over and over again to leave this alone. Just because you have the majority of the votes you don't have the right to overthrow this President and abuse the powers you get from the Constitution. You think you are going to get away with this but it won't work. You are going to hear from the people in a way like never before. This is a mean, unfair thing you are doing and it will come back to haunt. In the meantime we will all have to try to undo the damage you have done to this nation in this Chamber here tonight.

Mr. GILMAN. Mr. Speaker, I share the outrage and disappointment expressed by my constituents and colleagues. The President's actions violated the trust we accord our Nation's leader.

Moreover, Mr. Speaker, several of our distinguished colleagues have contended, during the course of the debate in the Judiciary Committee, and then during this debate today, that this action has revolved solely around sex. That is not accurate. This debate is no more about sex than the Watergate debate was about a third-rate burglary.

The debate then, as now, is about the coverup efforts subsequent to the initial act: The perjury, the suborning of perjury, the obstruction of justice, and abuse of power. These are the grave issues we must consider, and we must judge as worthy of impeachment.

It is against that background that our decision whether or not to vote for impeachment must be taken.

This is a difficult decision for all of us, probably the most difficult of my career in the Congress. I thank my constituents who shared their views. I recognize that there has been a great deal of serious thought, and soul searching on both sides. I am deeply impressed, and grateful, by the sophistication and sincerity of the arguments my constituents have shared with me.

While I have been closely following the committee's proceedings, I have just recently had the opportunity to review the 400 page Judiciary Committee's report, to listen to floor debate, and the arguments by constitutional authorities. Most importantly, I have searched my own conscience, and weighed my 48 years of experience as an attorney, including my 35 years of public service in reaching my decision.

While none of us should minimize the gravity of the impeachment process, we must bear in mind that the House has no final word in determining if any official should or should not be removed from office. Under our Constitution that role is assigned to the other body. An impeachment vote in the House is equivalent

under the law to an indictment. Essentially, our vote in the House is an accusation. Referral of this issue to the Senate is not removal, but merely a finding of probable cause to believe a removable offense may have occurred.

Having fully considered all of the facts before us, reluctantly, I have come to the conclusion that probable cause in fact exists. Accordingly, I shall be voting in favor of at least one article of impeachment.

There is little doubt that perjury has taken place. The President's defenders do not deny this, but have confined their argument to contending that such perjury, while regrettable, does not rise to the level of impeachment.

I respectfully disagree with that analysis. Perjury is a serious crime in all 50 States. In most States, perjury by an attorney leads to automatic disbarment. There have been eight Federal judges impeached on charges of perjury in this century. Today, over 100 Americans are imprisoned for the crime of perjury. The argument that perjury committed by our Commander in Chief, or perjury which deals with certain subjects, is somehow exempt from the law is disingenuous.

I have considered the allegation of the President's perjury in context, and have concluded, to my distress, that a pattern of obstruction has emerged. At no time did the President cooperate with the Special Prosecutor's office but in fact worked to delay, obstruct, and frustrate the work of the Special Prosecutor. This is in marked contrast with Presidents Reagan and Bush, who cooperated fully at all times with the Special Prosecutor appointed to investigate allegations against their administrations, despite the fact that it has been argued that the Special Prosecutor in those cases was less than impartial.

Along with the millions of Americans, I was distressed that the White House and its supporters adopted a strategy of attacking the motives and character of the Special Prosecutor rather than responding to the specific charges made by his office. This attitude persisted until nearly the end of the Judiciary Committee hearings and was, I believe, grossly inappropriate for an investigation of this gravity.

Some of our colleagues have also contended that a trial in the Senate will consume our Government for months. In fact, one of our colleagues stated that it would take up the better part of next year. Mr. Speaker this is not accurate. There is no reason whatsoever that action in the other body cannot be promptly and speedily concluded. Both the majority and minority on our Judiciary Committee have issued a final report. In fact, the only possibility that action will be dragged out is if the President desires to do so. It is hoped that the President and his advisors will opt not to do so, and will acquiesce in a prompt consideration and conclusion of this matter.

Let me make it clear that though I support the articles of impeachment by the House, I am not convinced that he should be removed from office. In fact, that decision can only be made after a fair trial in the other body. The Senate will have the opportunity to consider the penalty of censure.

Hopefully, Mr. Speaker, our action will send a message to all Americans and to the entire world that no one in our Nation can consider themselves above the rule of law, particularly our Nation's chief law enforcement official.

Mr. Speaker. I request that for my colleagues attention, an editorial by one of the leading dairy newspaper in my congressional district, ''The Journal News'', dated December 15, 1998, entitled ''Impeachment Vote,'' Be inserted at this point in the RECORD.

[From the Journal News, White Plains, NY, Dec. 15, 1998]

IMPEACHMENT VOTE—HOUSE MUST VOTE TO SEND CLINTON'S FATE TO A TRIAL BEFORE THE U.S. SENATE

Impeaching President Clinton—putting him on trial in the Senate—is the only responsible course left to the House of Representatives.

The House should vote to impeach, not because the charges against the president have been proved, but because they remain serious and believable, and because a Senate trial becomes the last chance of ferreting out the truth.

The House Judiciary Committee did nothing to advance the case against President Clinton, other than to give independent counsel Kenneth Starr a forum to make a good case for his own findings. In choosing not to conduct an independent investigation of its own, the committee failed to grapple with the substance of the most serious charges: that the president lied under oath and coached other witnesses to do the same.

The committee's failure was a lost opportunity, to be sure. It did not make the decision by the full House any easier. The evidence against Clinton does not make the kind of open-and-shut case that had been made against Richard Nixon by the time his impeachment proceeding had reached this stage.

But if the case against Clinton was not clinched in the committee, it was not derailed either.

For one thing, the president's defenders did nothing to disprove or to lessen the seriousness of the charges. They also left substance largely untouched. Instead, they tried to impugn Starr's credibility and to belittle his accusations, even while conceding the truth of some of them.

More important, the Constitution does not equate the committee's inquiry to a trial of the president. Despite Democrats' arguments to the contrary, the committee's vote on articles of impeachment did not constitute a conviction, only a recommendation that the Senate conduct a trial leading to a finding of guilt or innocence. Yes, a more energetic inquiry would have been helpful toward that ultimate decision, but the disappointments of the committees' inquiry did not remove the need for that decision to be made.

The question of the president's fitness to hold office remains a disturbing and viable one, which the House must now pass to the Senate.

Many still hope to deflect the orderly process dictated by the Constitution. They would have Congress decide now on a meaningless nonexistent punishment—censure—rather than reach a decision on whether the president has committed wrongdoing sufficient to remove him from office. Clinton, to no one's surprise, has now publicly joined those clamoring for this nonconstitutional cop-out.

The Judiciary Committee's Republican majority was right to reject that option. The full House should also heed the words of committee Chairman Henry Hyde, that ''a resolution or amendment proposing censure of the president in lieu of impeachment violates the rules of the House, threatens the separation of powers and fails to meet constitutional muster.''

That means that Hyde, who would be instrumental in preparing the case to be brought against the president in the Senate, must be prepared to get to the core of this case, finally.

Clinton continues to insist that he did not lie under oath in denying certain details of Monica Lewinsky's descriptions of their sexual encounters. Hyde chose not to probe the credibility of those two key figures in his committee inquiry. He will have to do so before the 100 senators-turned-judges, who must not pre-judge and who will need more than assumptions and circumstantial evidence to make their own momentous decision.

Mr. WELDON of Florida. Mr. Speaker, colleagues, it is with great sadness that I rise to speak in support of this resolution. I would like to confine my remarks to the issue of judgment. Several speakers on the minority side have risen today and quoted the scripture ''Judge not, that you be not judged.''

It is very appropriate that our members should be quoting this verse. For it tells us that when we appear before the throne of God, God will judge us by the measure we have used to judge others here on earth.

Careful reading of the scripture, however, makes it quite clear that the message is not that we should never judge or exercise judgment. Indeed, in the same chapter of the Bible that my colleagues have been quoting, Jesus goes on to warn the people to exercise judgment and ''not cast pearls before swine'', and ''to beware of false prophets.''

Most scholars interpret this verse of scripture previously quoted about not judging to mean that we should not condemn others for their faults, and that we should forgive those who offend us.

However, it has never been proposed by any reasonable person that this verse of scripture asserts that we are to let criminals go free or that our law should not be upheld.

Bill Clinton is not being judged by the members here as much as he is being judged by the law itself. The preamble to the Constitution tells us that the Constitution was created for among other reasons to establish justice. To blithely forgive or ignore these offenses is to make a mockery of justice.

Our laws state that to lie under oath, to encourage others to provide false testimony, to conspire to conceal evidence, or otherwise impede or obstruct an investigation is a felony punishable by imprisonment.

Indeed, the committee took testimony from two individuals, one who actually went to jail, the other received house arrest for lying about sex before a grand jury.

Every year in America people go to jail for committing perjury. Our laws do not specify that consensual sex is a subject that it is OK to perjured yourself about.

When we think of the verse of scripture quoted, ''Judge not and you will not be judged'', I believe the important question we should be asking ourselves as members is how would we be voting on this resolution if Bill Clinton were a Republican.

To my Democratic colleagues on the, I ask would you still be clamoring for censure, or would you be calling for resignation of impeachment?

To my Republican colleagues, I ask a similar question: would you be calling for a ''no'' vote on this resolution or a motion of censure instead of impeachment?

Pollsters tell us that if you bother to include the question in your survey, the issue that the American people are most concerned about in our nation is the state of America's moral condition with up to 87 percent indicating that something is wrong.

The very essence of national morality and virtue is a citizenry that can exercise sound judgment. Sound judgment dictates that the President be impeached, and tried in the Senate. The only middle ground in this situation is acquittal in the Senate, not a meaningless unconstitutional motion of censure.

The Democrats wrote the statute creating the office of the independent counsel, and Janet Reno authorized the expansion of his investigation into the matters before us. The findings indicate felony offenses that could send the average American to jail.

President Clinton himself when he signed the reauthorization of the independent counsel act in 1993 issued a statement in which he said: ''It ensures that no matter what party controls Congress or the executive branch, an independent, nonpartisan process will be in place to guarantee the integrity of public officials and ensure that no one is above the law.''

To ensure that no one is above the law the resolution must be approved and sent to the Senate for trial.

STATEMENT BY PRESIDENT WILLIAM J. CLINTON UPON SIGNING S. 24

(30 Weekly Compilation of Presidential Documents 1383, July 4, 1994)

I am pleased to sign into law S. 24, the reauthorization of the Independent Counsel Act. This law, originally passed in 1978, is a foundation stone for the trust between the Government and our citizens. It ensures that no matter what party controls the Congress or the executive branch, an independent, nonpartisan process will be in place to guarantee the integrity of public officials and ensure that no one is above the law.

Regrettably, this statute was permitted to lapse when its reauthorization became mired in a partisan dispute in the Congress. Opponents called it a tool of partisan attack against Republican Presidents and a waste of taxpayer funds. It was neither. In fact, the independent counsel statute has been in the past and is today a force for Government integrity and public confidence.

This new statute enables the great work of Government to go forward—the work of reforming the Nation's health care system, freeing our streets from the grip of crime, restoring investment in the people who make our economy more productive, and the hard work of guaranteeing this Nation's security—with the trust of its citizens assured.

It is my hope that both political parties would stand behind those great objectives. This is a good bill that I sign into law today—good for the American people and good for their confidence in our democracy.

WILLIAM J. CLINTON

The White House,
June 30, 1994.

Mr. YOUNG of Florida. Mr. Speaker, as one of 23 members of this House who served in the 93rd Congress, the last time the House was presented with articles of impeachment against a President of the United States, I know there is no joy on either side of this issue. There certainly will be no joy, whatever the final outcome, when the House completes its deliberations.

It is never a pleasant situation to sit in judgement of another person, but that is our Constitutional responsibility when it comes to the President. Each of us took an oath of office to ''support and defend the Constitution of the United States'' and ''to faithfully discharge the duties of the office.'' Therefore, we are obligated to debate and consider the four articles of impeachment before us today as reported by the Judiciary Committee.

Likewise, President Clinton took an oath of office to ''faithfully execute the office of the President of the United States'' and ''to the best of my ability, preserve, protect and defend the Constitution of the United States.''

With allegations and charges as serious as those that have been made against President Clinton, it is obvious that they cannot be overlooked. Even my Democratic colleagues are demanding a resolution of condemnation. Clearly we must do something and the Constitution tells us that is to follow the procedure established by the Constitution to consider articles of impeachment.

If we fail to follow proper procedure, future generations of Americans may see our lack of resolve as a precedent that in some way excuses or overlooks serious lapses of public trust or criminal acts committed by future Presidents. This lack of resolve could tempt future Presidents to bend or violate the rules of law.

Some of our colleagues suggest that the House consider a resolution to censure the President, saying that impeachment is too severe an action. The problem with censuring a President is that it becomes a precedent that could be used anytime a majority of the members disagree with any actions of a President. Those actions might simply be a political difference of opinion, not something related to the law or to a President's conduct.

This would move our relationship between the legislative and executives branches more towards that of Parliament, where votes of confidence are in order that can lead to a dissolution of the government. That was not the intent of the authors of our Constitution and as our colleague HENRY HYDE, the chairman of the Judiciary Committee has said, threatens the separation of powers that is the cornerstone of our government as provided for by the Constitution.

Mr. Speaker, the United States has been the target of many enemies over the past 222 years of our nation's history. Those enemies have attempted to destroy our nation with force and ultimately our system of government. Every attempt, though, has failed and the Constitution remains the standard by which all other forms of government are measured.

The single greatest threat to the Constitution may come from within our nation, from those who might one day fail to uphold the Constitution that we have sworn to protect. Such a failure would undermine the very basis for our government, rendering it to be nothing more than mere words on a piece of parchment. In other words, the best way to preserve and protect our Constitution is to abide by it.

The debate today is as much about the erosion of this trust that has been placed in each of us as it is about the trust of the American people that a single President has betrayed.

Mr. Speaker, Congress cannot allow truth, justice and the rule of law to be sacrificed on the altar of political expedience. When future generations review our actions today, they will not be as concerned with the actions of this President as they are with the actions of this House to uphold the Constitution and ensure it remains the world pillar of freedom, liberty, and democracy.

Mr. BATEMAN. Mr. Speaker, I agree with those who believe that the House of Representatives has no constitutional authority to censure or reprimand a President in the course of deliberations with respect to the issue of impeachment of that President.

In my view, we could pass a resolution respecting the Sense of the House—or in a Joint Resolution the Sense of the Congress—if the judiciary Committee had not by its report, presented us with a transcendent and unavoidable responsibility to lay to rest the question of whether or not Articles of Impeachment should be approved or disapproved.

Many of us might wish that we did not have to meet that issue and that the duty we have could go away. But it will not because duty cannot go away or be put aside.

The question before us is compound. It is whether there is clear and convincing evidence that the President has engaged in conduct that constitutes in the terms of our Constitution ''high crimes and misdemeanors.'' Under the Rules of the House, and in the discharge of the constitutional duty now imposed upon us, we must first determine that issue, and that issue only. If we determine that the President should be impeached, the constitutional responsibility of the Senate comes to bear because we have concluded there is clear and convincing evidence that the President has committed high crimes and misdemeanors, and the Senate should proceed on the proper constitutional course of action.

While this issue is unavoidably before us, we cannot by our Rules or our duty divert our attention to the issue of should the President be censured, and if so for what, and whether or not by his agreement or otherwise some penalty should be expected. This is a diversion, a distraction, and an evasion. We are not presented with this luxury.

If at some point in time we in this body, having approved an Article or Articles of Impeachment, and the Senate thereafter determines that the President should not be removed and offers instead a Resolution of Censure, we in the House can and should take it up. Then we could do so for there would no longer be pending before us the solemn and inescapable duty to determine without diversion, distraction, or evasion, the question that now looms before us.

Before we charge the Judiciary Committee to proceed with an inquiry as to whether the President had committed impeachable offenses, we could have acted on a resolution to voice our displeasure with conduct of the President as a sense of Congress. No one, I repeat no one, now clamoring for censure chose to do so then and I don't think that fact is without significance.

With distraction, diversion, or evasion we must face our solemn oath-bound duty to resolve the question we cannot evade: is there clear and convincing evidence that the President is guilty of the commission of ''high crimes and misdemeanors'' which are grounds for impeachment? Until we perform this duty, our Rules and duty dictate that any action to censure the President be put aside.

Mr. WICKER. Mr. Speaker, impeachment is a profound and complex process. In recent weeks, we have heard constitutional experts and historians testify at length about the standard for an impeachable offense. Debate has ranged from the finest points of law to the loftiest intentions of our founding fathers.

For decades and even centuries to come, learned scholars will pore over every word of

these proceedings to discern their meaning and to analyse the precedents and implications of our actions today. For me, However, it comes down to one simple principle—this Nation must uphold the rule of law.

Standing for the rule of law includes recognizing:

That the Nation's chief law enforcement officer cannot commit perjury and remain in office.

That the commander-in-chief of our armed forces should not be held to a lower standard than are his subordinates.

That even the most ordinary and humble citizens are entitled to their day in court, and they are entitled to expect sworn testimony in that court to be truthful—even testimony from the President of the United States.

That felonious criminal conduct by the President of the United States cannot be tolerated.

The rule of law is more important than the tenure in office of any elected official.

The facts in this case are not really in dispute. Even some of his most vocal defenders do not deny that this President repeatedly lied under oath. He also obstructed justice and abused his office. He has violated his solemn oath and squandered the trust the American people placed in him.

During John Adams' second night in the White House, he wrote, ''I pray heaven to bestow the best blessings on this House and on all that shall hereafter inhabit it. May none but honest and wise men ever rule this roof.''

Mr. Speaker, it is with great regret that I conclude the current occupant of the White House has utterly failed to live up to this standard and that his Commission of felony crimes constitutes grounds for impeachment.

I reach this conclusion with no malice toward the President, but with resolve and confidence that this action preserves the principles which are the foundation of our constitution.

I cast my vote for impeachment to protect the long-term National interest (United States) to affirm the importance of truth and honesty, and to uphold the rule of law.

Mr. RODRIGUEZ. Mr. Speaker, as we speak hundreds of our fine young men and women from our bases in San Antonio and across this nation are en route to he Persian Gulf to defend our nations's national interests.

How can we assemble here today to debate impeachment at this time? How dare we undermine the authority of the President while our brave soldiers, sailors, airmen and marines are in harm's way?

Today is a sad day for this country and this House of Representatives.

Like many Americans, I cannot believe that this is happening, that we are in fact here debating whether to impeach our president for lying about a personal matter.

The debate is not whether President Clinton committed wrongdoing; he has admitted as much.

The question is whether the Congress should exercise its constitutional authority to overturn two popular, democratic elections. * * * whether we should set in motion the process of removing the President for ''high crimes and misdemeanors.''

However much we may dislike what the President has done, his action were private; they had nothing to do with his role as President.

Indeed, the Supreme Court, in ruling that the civil litigation against the President could continue, reasoned that he should be treated like any other private citizen.

What the President did was not a high crime or misdemeanor.

None of his actions created a constitutional crises, they did not threaten the separation of powers, nor did they represent a corruption of the political process.

Those on the other side of the aisle say this is not about sex, but it is all about sex. That is the context of the allegations; that is the subject of the alleged perjury.

It makes all the difference in the world

Indeed, it seems to me and many others that this debate is merely the culmination of any effort that began when President Clinton took office—to undermine his authority as President and to saddle him with the baggage of constant investigation and insinuation.

Those who have pursued the President have turned justice on its head. We have been investigating the person, not the crime.

The House's actions today undermine the Constitution; they undermine the balance of power that has protected us for more than 200 years.

Those who are so fervent in seeking to get the President have lost perspective. Not all crimes or misdeeds deserve impeachment.

We must distinguish between those actions which threaten our constitutional system of government and other acts of wrongdoing.

Our Founding Fathers chose the words—high crimes and misdemeanors—carefully and after long debate. They did not want the president impeached for any crimes, only high crimes.

They did not want the Congress to have the authority to impeach the president for personal defects and shortcomings or even for horribly inappropriate personal conduct. And they certainly did not want him impeached for partisan gain.

High crimes are those that impact the functioning of the republic, like treason or bribery. Lying, or even perjury, about a personal affair, simply does not rise to the level of a high crime as envisioned in the Constitution. His conduct, wrong as it was, did not put the nation in danger nor did it corrupt the political process.

Just because it does not amount to a high crime does not mean that it is right—only that it does not meet the high threshold set forth by our Founding Fathers in the Constitution for impeachment. And that is the question before us.

Many have argued that the President should not be above the law; he's not. He has been sued and investigated for 6 years. He has been pursued and chased. And he will be subject to legal action after the leaves office.

Our Presidents are not perfect individuals. There will always be some fault we can find, and if we proceed with impeaching this president, we will have opened the door in the future to the disruption of our political system and the balance of power.

Mr. KENNEDY of Rhode Island. Mr. Speaker, we have no right to stand here and debate the rule of law if we cannot even extend to the President of the United States the same due process as is required for even the vilest criminal. The majority has replaced the notion of due process with the notion that if you just say something enough times, it becomes true.

Whether or not the President did what he was accused of, this process is the legacy we leave to our children, and to impeach the President without allowing him due process does far more damage to our democracy than any act one man may, or may not, have committed. The golden spike in the transcontinental railroading of this President is that the majority will not allow us to even vote on censure.

Four hundred historians said that the presidency will be permanently disfigured and diminished by today's vote. Over two hundred Constitutional scholars echoed the sentiment that these offenses, even if proven true, do not rise to the level of impeachment. And two thirds of the American people are saying the same thing: don't impeach.

You say that you are adhering to Constitutional process. But if you talk the Constitutional talk you better walk the Constitutional walk.

I don't want to hear, although I suspect I will, you say that in order for us to get out of this crises ''the President must resign.'' If you do, you will short circuit the Constitutional process that you stand here today advocating for. I want to get your word today that you will not do that and that you will take responsibility, for what you are beginning today by bringing this country's government to a halt?

Today we will be remembered for an impeachment when the punishment clearly does not fit the crime. Today we will be remembered for a political mutiny of our Commander in Chief when our troops are in the field. And today this Congress sends a message that the Constitutional scales of justice can be tipped to one side when it suits the purpose of one political party.

And everyone will know how we got there because you, the Republican majority, did not allow this democratic institution to work its will on a motion to censure and end this national nightmare.

When you are finished doing this, don't come to the American public and say the President should resign and get us out of the Constitutional crisis. You got into it when you refused a censure motion as alternative to this constitutional crisis.

Mr. SPENCE. Mr . Speaker, I rise to address the matter before the House regarding the four Articles of Impeachment that have been reported by the Committee on the Judiciary. This is a situation that demands our most careful consideration and devotion to duty as Members of Congress. It is a matter that is not to be taken lightly. Each Member of this body must reason individually to reach the determination that must be made in order to fulfill our Constitutional responsibilities in the impeachment procedure. This is a process that should not be partisan, as it should be based on the application of the rule of law.

I believe that all of us recognize the seriousness of President Clinton being charged with violations against the Constitution. Much time and effort have been devoted to investigating and reviewing the actions on which this Resolution is based. I have followed the hearings of the Committee on the Judiciary concerning this matter with great interest and I am in agreement with the Resolution (H. Res. 611) that has been submitted by Chairman HYDE. H. Res. 611 outlines four Articles as the basis for impeachment, which I shall summarize:

Article I—President Clinton willfully provided perjurious, false and misleading testimony to a Federal Grand Jury. I agree.

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

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

Article IV—President Clinton has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the Legislative Branch, in that he refused and failed to respond to written requests for admission, as well as willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission that were propounded as part of the impeachment inquiry that was authorized by the House. I agree.

It is clear to me that convincing evidence has been presented in regard to each of the four Articles that have been reported by the Committee on the Judiciary. Accordingly, I support the Articles as stated in H. Res. 611.

Mr. Speaker, I would also like to address the assertion that I have heard today that the consideration by the Congress of the impeachment of President Clinton, who is the Commander in Chief of our Armed Forces, would have a demoralizing effect on our men and women in uniform, especially while our Nation is engaged in military operations against Iraq. I can speak from experience, based on numerous conversations with Americans from all walks of life, who are now serving or who have previously served in our Nation's military, that such a charge has no merit. In this regard, I would like to submit the following article by Major Daniel J. Rabil, of the United States Marine Corps Reserve:

[From the Washington Times, Nov. 9, 1998]

PLEASE, IMPEACH MY COMMANDER IN CHIEF

(By Daniel J. Rabil)

The American military is subject to civilian control, and we deeply believe in that principle. We also believe, as affirmed in the Nuremberg Trials, that servicemen are not bound to obey illegal orders. But what about orders given by a known criminal? Should we trust in the integrity of directives given by a president who violates the same basic oath we take? Should we be asked to follow a morally defective leader with a demonstrated disregard for his troops? The answer is no, for implicit in the voluntary oath that all servicemen take is the promise that they will receive honorable civilian leadership. Bill Clinton has violated that covenant. it is therefore Congress' duty to remove him from office.

I do not claim to speak for all service members, but certainly Bill Clinton has never been the military's favorite president. Long before the Starr report, there was plenty of anecdotal evidence of this administration's contempt for the armed forces. Yes, Mr. Clinton was a lying draft dodger, yes his staffers have been anti-military, and yes, he breezily ruins the careers of senior officers who speak up or say politically incorrect things. Meanwhile, servicemen are now in jail for sex crimes less egregious than those Paula Jones and Kathleen Wiley say Mr. Clinton committed.

Mr. Clinton and his supporters do not care in the least about the health of our armed forces. Hateful of a traditional military culture they never deigned to study, Mr. Clinton's disingenuous feminist, homosexual and racial activist friends regard the services as mere political props, useful only for showcasing petty identity group grievances. It is no coincidence that the media has played up one military scandal after another during the Clinton years. This politically-driven shift of focus, from the military mission to the therapeutic wants of fringe groups, has taken its toll: Partly because of Mr. Clinton's impossibly Orwellian directives, Chief of Naval Operations Jay Boorda committed suicide.

So Clinton has weakened the services and fostered a corrosive anti-military culture. This may be loathsome, but it is not impeachable, particularly if an attentive Congress can limit the extent of Clinton-induced damage. As officers and gentlemen, we have therefore continued to march, pretending to respect our hypocrite-in-chief.

Then came the Paula Jones perjury and the ensuing Starr Report. I have always known that Clinton was integrity-impaired, but I never thought even he could be so depraved, so contemptuous, as to conduct military affairs as was described in the special prosecutor's report to Congress. In that report, we learn of a telephone conversation between Mr. Clinton and a congressman in which the two men discussed our Bosnian deployment. During that telephone discussion, the Commander-in-Chief's pants were unzipped, and Monica Lewinsky was busy saving him the cost of a prostitute. This is the president of the United States of America? Should soldiers not feel belittled and worried by this? We deserve better.

When Ronald Reagan's ill-fated Beirut mission led to the careless loss of 241 Marines in a single bombing, few questioned his love of country and his overriding concern for American interests. But should Mr. Clinton lead us into military conflict, he would do so, incredibly, without any such trust. After the recent American missile attacks in Afghanistan and Sudan, my instant reaction was outrage, for I instinctively presumed that Mr. Clinton was trying to knock Miss Lewinsky's concurrent grand jury testimony out of the head-lines. The alternative that this president—who ignores national security interests, who appeases Iraq and North Korea, and who fights like a leftover Soviet the idea of an American missile defense—actually believed in the need for immediate military strikes, was simply implausible. And no amount of scripted finger wagging, lip biting, or mention of The Children by this highly skilled perjurer can convince me otherwise.

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

It will no doubt be considered extreme to raise the question of whether this president is a national security risk, but I must. I do not believe presidential candidates should be required to undergo background investigations, as is normal for service members. I do know, however, that Bill Clinton would not pass such a screening. Recently, I received a phone call from a military investigator, who asked me a variety of character-related questions about a fellow Marine reservist. The Marine, who is also a friend, needed to update his top-secret clearance. Afterward, I called him. We marveled how lowly reservists like us must pass complete background checks before routine deployments, yet the guardian of our nation's nuclear button would raise a huge red flag on any such security report. We joked that my friend's security clearance would have been permanently canceled if I had said to the investigator, ''well, Rick spent the Vietnam years smoking pot and leading protests against his country in Britain. His hobbies are lying and adultery. His brother's a cocaine dealer, and oh, yeah—he visited the Soviet Union for unknown reasons while his countrymen were getting killed in Vietnam.''

Do I show disrespect for this president? Perhaps it depends on the meaning of the word ''this.'' If Clinton were merely a spoiled leftist taking advantage of our free society, a la Jane Fonda, that would be one thing. But you don't make an atheist pope, and you don't keep a corrupt security risk as commander-in-chief.

The enduring goodness of the American military character over the past two centuries does not automatically derive from our nation's nutritional habits or from a good job benefits package. This character must be developed and supported, or it will die. Already we are seeing declining enlistment and a 1970s-style disdain for military service, squandering the real progress made during the purposeful 1980s. Our military's heart and soul can survive lean budgets, but they cannot long survive in an America that would tolerate such a character as now occupies the Oval Office. We are entitled to a leader who at least respects us—not one who cannot be bothered to remove his penis from a subordinate's mouth long enough to discuss our deployment to a combat zone. To subject our services to such debased leadership is nothing less than the collective spit of the entire nation upon our faces.

Bill Clinton has always been a moral coward. He has always had contempt for the American military. He has always had a questionable security background. Since taking office, he has ignored defense issues, except as serves the destructive goals of his extremist supporters. His behavior with Paula Jones and Kathleen Willey was bizarre and deranged—try keeping a straight face while watching mandated Navy sexual harassment videos, knowing that the president's own conduct violates historic service rules to the point of absurdity.

For a while, it was almost possible to laugh off Mr. Clinton's hedonistic, ''college protester'' values. But now that we have clear evidence that he perjured himself and corrupted others to cover up his lies, Bill Clinton is no longer funny. He is dangerous.

Willim J. Clinton, perhaps the most selfish man ever to disgrace our presidency, will not resign. I therefore risk my commission, as our generals will not, to urge this of Congress: Remove this stain from our White House. Banish him from further office. For God's sake, do your duty.

Mr. HOLSHOF. Mr. Speaker, many commentators have likened this debate we are having today to the deliberations of a sentencing jury in a death penalty case. Indeed, the political life of a sitting President is hanging in the balance. I certainly understand the magnitude of that comparison and take this matter no less seriously than those many criminal cases in which I sought the death penalty as a prosecutor.

If the President in his private conduct simply committed adultery, then that matter is best reserved to his family. If, on the other hand, the President of the United States committed perjury or other illegal acts then that matter is necessarily reserved to this Congress.

The private failings of a public man deserve neither debate nor reprimand by this body. However, public misconduct committed by that same official deserves punishment of the fullest measure.

Based upon my solemn review of the evidence and historical precedents, I am firmly convinced beyond a doubt that William Jefferson Clinton employed every conceivable means available—including perjury and obstruction—to defeat the legal rights of a citizen who claimed she had been wronged and sought redress from our justice system.

How then did the President's private indignities become indignities against the Constitution by which we are governed? The facts are these:

In May 1994, Paula Corbin Jones filed a federal civil rights lawsuit against William Jefferson Clinton in the United States District Court in Arkansas. The legal action arose out of an incident alleged to have occurred while Ms. Jones was a state employee.

In his own defense, the President claimed that any such lawsuit must be deferred until his term of office ended. The parties litigated this question before the highest court of the land. The United States Supreme Court unanimously decided that Ms. Jones was entitled to due process and equal protection of the law no matter who the defendant in her sexual harassment lawsuit.

The Court rightly determined that no man is above the law. No single individual citizen can determine the merits of another's case, save those clothed with the constitutional power of judicial discretion.

In that vein, a federal district judge repeatedly rejected the President's objections to inquiries regarding his relationships with women in the workplace. The court, relying on judicial precedent in sexual harassment cases, deemed those questions relevant and crucial to Ms. Jones' case.

The President under penalty of perjury was required to give truthful testimony during all court proceedings. He failed. He bore false witness under oath. He conspired with others to conceal evidence. He tapered with witnesses and encouraged the adoption of his untruthful version of events.

Ms. Jones' rights to due process were violated. That result is bad enough in itself, but I believe it reaches constitutional proportions when the denial of civil rights is directed by the President of the United States.

What we say here will be but paragraphs or footnotes in the pages of books of history written by those yet to come. What we do here will be indelibly imprinted on America's spirit.

Let not this House grant a pardon for this President's criminal offenses.

Let not history look back at this debate and declare there on that date, America surrendered the rule of law.

There can be no presidential privilege to lie under oath.

Regrettably, my solemn oath of office, my sacred honor, requires from me a vote of aye on the resolution.

Mr. LAMPSON. Mr. Speaker, this morning I began writing a letter to my daughters and my future grandchildren and great-grandchildren to describe my feelings on this sad, yet historic day.

I wrote my daughters that I have listened to my colleagues talk about truth, wrongdoing, punishment, and respect. And I want to say to my colleagues that no one denies that the truth matters.

No one denies there was wrongdoing, and no one denies that the American people deserve the respect of this great House of Representatives.

And so I ask, please don't deny an alternative to impeachment.

I continue to be overwhelmed by the fact that this Congress and, as a result, the American people, are being denied the right to vote on a disciplinary action that would unify our country at this critical time—this action is censure.

The American people support censure.

Censure, is not only constitutional, it is fair and right for our country.

So, to my colleagues in the majority, I implore you in the interest of fairness to take the step that will stop this downward spiral of bitterness and rancor that currently controls Capitol Hill. As our country continues to polarize, I pray that we, as a Congress, have not lost our ability to seek common ground. For if we have, it will affect our ability to solve problems for decades to come.

Mr. Speaker, you have the power to unite the majority of this country by allowing a vote on censure. I challenge you to seize this opportunity to bring our country back from potentially devastating consequences.

In that letter, I'd like to tell my children, so that they can tell their children, that this body came to it's senses and put aside partisanship in favor of statesmanship. Let the 105th Congress be remembered for allowing the will of the American people to be heard through a vote on censure.

It is the only fair thing to do.

Mr. KLUG. Mr. Speaker, this is the last vote of my career. My first vote was just as personally troubling.

Just days after being sworn in, I voted to authorize the use of force in Operation Desert Storm.

In a bizarre twist for me, today we'll vote on impeachment while U.S. troops are again at war in Iraq.

Today the loop closes.

In part because of American reaction to the fighting in the gulf, I have decided to support the impeachment of Bill Clinton.

Let me elaborate.

First, I am convinced the President lied to a federal grand jury.

The President's defenders say his lies in the Paula Jones case were an understandable reaction. He panicked when confronted with a series of questions that threatened to expose his relationship with Monica Lewinsky.

But that does not explain why he lied seven months later in front of a federal grand jury.

No surprise questions here. His attorneys were with him. He had more than a half year to consider his answers. And he knew committing perjury in this setting could lead to impeachment.

I have struggled for weeks with my feelings toward Bill Clinton versus my concerns about the future of the Presidency itself.

What impact will this vote have twenty years from now?

I worry we're about to trigger a never-ending round of impeachment investigations. A decade ago the independent counsel statute seemed to make sense.

Today every cabinet member seems to be assigned their own independent counsel the day they're sworn into office.

But in the end let me say, I have come to the conclusion that even more important is that we send a very strong message to future presidents that no one is above the law.

If we allow the President to escape an impeachment trial in the Senate, we set a dangerous precedent where every president will have a built in defense for perjury or obstruction of justice.

Perjury is a particularly dangerous crime. Federal sentencing guidelines demonstrates that defendants convicted of perjury face jail time similar to those convicted of bribery.

Perjury undermines the rule of law. And in this case, perjury has also undermined the President's moral authority.

Most Americans deservedly questioned the timing of the attack on Iraq. From airport terminals in Madison to Washington restaurants, everywhere I've been people have wondered out loud about why this week for the attack. Why hours before the impeachment vote?

Americans instinctively rally around the President when men and women are in combat.

Because of the President's conduct in this case, our national impulse is now cynicism and skepticism.

Now I think the President's hand was forced by Suddam Hussein.

But if an American soldier was killed today, don't you think his family would always wonder why? Wonder why this week?

And the skepticism is not only heard in America but among our allies. And among our enemies in the world.

Perjury has consequences tonight. In the President's case everywhere around the world. Impeachment is the painful, but correct choice.

Mr. DAVIS of Florida. Mr. Speaker, first, I would add my voice to those of other Members who have expressed how deeply disappointed and saddened they are with the President's reprehensible conduct. He has disgraced himself and the office of the Presidency. Not only was his personal misconduct immoral, but I further believe his actions to cover up that personal behavior both publicly and in legal proceedings were wrong, significantly worsened the situation, and must be punished. I have no doubt that the President was deceitful, misleading, and in fact crossed the line between legal hairsplitting and lying. The question we face today is whether the President's wrongdoings warrant the ultimate constitutional remedy of impeachment and removal from office.

Our founding fathers were clear that impeachment should not be used as a form of punishment. As summarized by the 1974 Staff Report for the Committee on the Judiciary, ''The purpose of impeachment is not personal punishment; its function is primarily to maintain constitutional government.'' Ultimately at stake are the collective rights of the public who elected this President, not the personal right of William Jefferson Clinton to continue to serve as President. For that reason, the removal of a sitting President from office should be reserved only for conduct so egregious as to threaten our system of government.

Referring again to the report of the 1974 Committee, impeachment is warranted only to address misconduct which is ''seriously incompatible with either the Constitutional form and principles of our government or the proper performance of the Constitutional duties of the

Presidential office.'' In short, removing the President from office is a drastic remedy to be used only when the survival of our Constitutional form of government is at stake. In the case presented in the referral by the Office of Independent Counsel and the Judiciary Committee's majority staff, I do not believe that the President used the power of the presidency to engage in his misconduct and I do not believe any of his actions threatened the nation.

While I do not agree with those who claim private actions can never warrant impeachment, I do believe that private misconduct must also rise to a level of severity which undermines the individual's ability to further discharge his or her duties as President of the United States. Even though I have concluded that the President has lied and deceived many with respect to his extramarital affair, I believe that as an individual Member of Congress, I still will be able to work with this President on the issues of importance to my constituents. I believe, as do most Americans, that the President still has the ability to govern. Since his conduct did not threaten the nation or undermine his ability to carry out his Presidential duties, I have decided to oppose impeachment.

If impeachment is to be viewed as a way to save the country from the abuse or violation of the public trust, we must weigh the risks of action and inaction and the consequences of both for our country. The principal argument of those in favor of impeachment is that the President's actions, if left unaddressed, would undermine our rule of law. I agree that no individual, including the President of the United States, is above the law. Did the President lie? Yes, I believe he did. Did the President commit criminal perjury? That is a legal conclusion to be decided by a criminal court—a court which ultimately may find perjury in this case. However, impeachment should not be used in this instance simply to punish perjury. Instead, I believe holding the President accountable for his actions in a criminal court of law is the best way we can uphold the rule of law in our country. The President, upon leaving office, can and should be subject to criminal prosecution.

Just as important to me are the consequences, for our country and future generations, of impeaching the President. I am gravely concerned that significantly lowering the standard for impeachment will lead to an increase in the frequency of impeachments, or at the very least the threat of impeachments, in the future. Our founding fathers, whose wisdom becomes clearer with each passing day, designed a means for removing the President which would be used in rare and extreme instances. If we are prepared to impeach the President for his efforts in this specific instance to hide this tawdry affair, I believe impeachment will become simply another weapon in the arsenal of partisan politics. This undoubtedly would have the effect of weakening the separation of powers that has made our national government so successful and enduring.

From the onset, the trauma of this scandal has touched everyone involved. The President bringing immense disgrace upon his office, has justifiably suffered both public and private humiliation. Congress has been forced to spend months debating these allegations rather than addressing the challenges facing our country and the American public has been bombarded with the lewd and salacious details of the President's misconduct in newspapers, television broadcasts, and the Internet. The impeachment proceedings have been extremely partisan and have, in large part, only worsened the underlying harm to the country initially caused by the President's misconduct. that is why I join with those, including esteemed statesmen such as former President Ford and Senate Majority Leader Dole, who believe, rather than removing the President from office, a formal rebuke in a sharply worded censure resolution is be the best solution for this Constitutional dilemma.

While I long ago gave up hope that something good could come out of this process, I believe a censure resolution is the most appropriate conclusion for the Congress and the country. The President will live forever with the political consequences of his actions and should face the criminal consequences upon leaving office. My decision to support censure in an effort to punish the President without further punishing the presidency or the country.

Mr. TOWNS. Mr. Speaker, colleagues on both side of the aisle, today I rise in opposition to the Articles of Impeachment that have been forwarded to the House of Representatives by the Judiciary Committee. My opposition to these articles of impeachment do not constitute a minority view. My opposition reflects the overwhelming sentiment of the constituents in the 10th Congressional District, the overwhelming sentiment of the people in New York City, the overwhelming sentiment of the people in New York State and the overwhelming view of the American people. It represents the view of 400 of the leading historians and 430 of the leading constitutional experts in this nation.

My objections to the Articles of Impeachment are based on the partisan misinterpretation of the facts and the law. None of the articles of impeachment contain facts that remotely constitute a basis for criminal conduct. Article I alleges that the President committed perjury before the grand jury by providing ''perjurious, false and misleading testimony.'' Yet the Judiciary Committee failed to outline one perjurious statement which the President allegedly made. Article II alleges that the President provided ''perjurious, false and misleading testimony'' in the Paula Jones lawsuit. Yet the committee failed to acknowledge that this lawsuit was subsequently dismissed by a federal judge for having no legal merit whatsoever. Did the framers of the constitution intend that we impeach a sitting President for giving misleading testimony in a meritless lawsuit? Article III alleges that the President obstructed justice by persuading Ms. Lewinsky, Vernon Jordan, and Betty Currie to carry out various illegal acts on his behalf. The committee failed to acknowledge that Ms. Lewinsky, Vernon Jordan, and Betty Currie all testified that the President never encouraged them to perform * * * respond to written interrogatories prepared by the Judiciary Committee. Since the president responded, in exhaustive detail, to all 81 interrogatories, it is difficult to understand how his responses could be characterized as a refusal or failure to respond.

But even if the Judiciary Committee were to establish that the president of the United States committed perjury in the civil deposition and before the grand jury, this would not constitute impeachable offenses as defined in the constitution. The impeachment of the President of the United States is perhaps the most awesome, solemn and formidable task that we will ever confront in our Congressional careers. It ought not to be based on contrived legal arguments or on narrow partisan interest. It is an extraordinary remedy that has been used only once in the constitutional history of this nation. Article II, Section IV of the constitution makes it clear that the extraordinary remedy of impeachment was to be sparingly used and restricted to ''treason, bribery, and other high crimes and misdemeanors.'' During the constitutional debates, it became clear that purpose of impeachment was not to redress personal wrongdoing or private criminal conduct, but only to redress attempts to subvert the constitution or the ''system of government.''

It is transparently clear that these articles of impeachment do not involve private criminal conduct. It is also clear that they do not constitute an attempt to subvert the constitution or to overthrow the system of government. That is why 100 percent of the Democrats on the Judiciary Committee, 90 percent of my constituents, 61 percent of the American people, and the vast preponderance of the historians and constitutional experts in this nation oppose impeachment. If there is one thing that the impeachment debate reflects, it is the perils of ''divided government.'' The tradition of electing a Democratic president and a Republican Congress has led to legislative paralysis and the weakening of the institution of the presidency. The Republicans on the Judiciary Committee are driving a runaway train that is leading this nation inexorably down a dark tunnel of impending national catastrophe. The American people will not easily forget this egregious abuse of power and will write their own Articles of Impeachment against the Republican majority in the next congressional elections in the year 2000.

Mr. FRELINGHUYSEN. Mr. Speaker, I have a low tolerance for people who don't tell the truth, most especially elected officials who take an oath of office to uphold the Constitution. Perjury, witness tampering, obstruction of justice and abuse of power are serious charges. To my mind, Congress has followed the process given to us under the Constitution to consider and deliberate these charges against President Clinton.

It has been a painful process. I have shared with many constituents in New Jersey's 11th District, my personal resentment that Bill Clinton's actions have forced the Congress, and our entire country, to go through this ordeal for now, almost a year.

Before us is a most difficult decision for each and every one of the 435 Members who has the honor to serve in this House. For all the editorial opinions and pundits, for all the legal opinions and political pressure, we now have to cast perhaps the toughest and most important vote we will ever be asked to cast.

Allow me to share an excerpt of a letter I wrote to my teenage daughter in October:

> Now that Congress will begin its own deliberations on the charges against the President, I have to put aside my personal views and evaluate the report and all documents in a fair manner. I do not have the luxury of staying on the sidelines as these matters are discussed. Public opinion polls and mail are helpful, but a Member of Congress must decide for himself or herself without merely putting a finger up to test the wind.
>
> And the truth will guide my decision as Congress decides what is the right thing to

do in response to the President's actions. How I wish he had told the truth at the start of this controversy because chances are the nation would not be in this mess. Consequently, the President has no one to blame but himself. Like the oath he took to protect our Constitution when he became our President, in court he took an oath to tell the truth.

Mr. Speaker, we have before us the evidence as presented by the Independent Counsel, the legal defense presented by the President, and the full proceedings and recommendations of the House Judiciary Committee, as well as the thoughts of so many constituents who feel strongly that their views should be reflected in the votes we cast.

Having reviewed so much of the evidence, I believe it is now clear that the President violated both his oath of office and the oath he took to tell the truth.

In doing so, Bill Clinton not only committed perjury, he violated the public's trust.

I will, therefore, vote in favor of impeachment.

While I know that some will disagree, and strongly so, with my decision, I have reached this decision after much thought, deliberation and soul searching. When this sad chapter in our history is closed, I will have voted the way I did because, as I have shared with my daughter, the truth still matters and always will. And finally, that a vote of conscience is always the right vote.

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent editorial which appeared in the Omaha World-Herald, on December 13, 1998.

[From the Omaha World-Herald, Dec. 13, 1998]

ON THE IMPEACHMENT VOTE

President William Jefferson Clinton stood Friday in the Rose Garden of the White House, which is his residence, to be sure, but which is also the symbol of American self-government and of all that is good about this great nation. Finally dropping all his past poses, Clinton said he was profoundly sorry for all he had done wrong ''in words and deeds.''

He said he was ready to accept Congress' rebuke and censure if the American people and their representatives concluded that his mistakes required it. He said nothing Congress could do would compare to the agony of knowing he was responsible for causing great pain for his family.

His remarks sounded sincere. They didn't appear to have been prepared by word-parsing lawyers. It was easy to feel sorry for the president. He was an almost pitiful figure, at age 52 a victim of his uncontrollable libido and a team of attorneys who appeared to coach him how to thwart the judicial system without crossing the line into perjury.

Yet the president still could not bring himself to say the words the Republicans on the House Judiciary Committee longed to hear—''I lied.'' He said he ''misled.'' He talked of his ''wrongful conduct.''

In a moment of remarkable irony, the president of the United States—without acknowledging the source and maybe not being aware of the source—even quoted from Edward FitzGerald's translation of ''The Rubaiyat of Omar Khayyam.'' Omar, a Persian astronomer-poet of the 12th century, concentrated on the idea that sensual pleasure might be the sole aim of living.

This long national nightmare began on Thanksgiving weekend in 1995 when Clinton, then 49 years of age, and Monica Lewinsky, a just barely 22-year-old intern, had sex in the Oval Office on the first day they had ever spoken to one another.

She came to see him many more times. they had at least nine more sexual assignations. They engaged in a certain sex act that the president and his lawyers continue to insist is not sex. They had phone sex 17 times. They exchanged gifts. Monica gave Clinton 40. Yet Clinton, under oath, could barely remember one or two.

America didn't find out about that Thanksgiving 1995 sexual encounter until January of this year, when Newsweek and The Washington Post got wind of the president's on-and-off, two-year extramarital affair and his understandable but patently illegal efforts to hide it from his wife, his daughter, Paula Jones' lawyers and the American people.

Now, after a week of historic drama to which American seemed to be paying less than full attention, the House of Representatives, for the second time in history, will vote on articles of impeachment. The vote will come late this week unless Democrats can convince enough Republicans to vote first for a slap on the wrist that would signal to this naughty President that what he did was ''reprehensible,'' the Democrats' inadequate word for the shame Clinton has brought to the highest office in the land. The Democratic Party censure resolution does not mention lying under oath or tampering with witnesses.

Americans should not be angry at the Republican Party if the House votes yes on impeachment. Clinton, not the Republican Party, lied and obstructed justice and abused his power. If the nation must be put through a trial, with Lewinsky in the well of the Senate talking graphically about sex and cigars, then, yes, that is awful. All the children should be shielded from it.

But if it happens it will not be the fault of the Republicans. It will be the fault of Bill Clinton, the reckless, foolish, arrogant boy who until Friday in the White House Rose Garden had never fully grown up.

He had sworn to God to tell the truth, the whole truth and nothing but the truth. And then he didn't. If there is no impeachment, Clinton will be the president whose legacy was to cultivate the idea that presidents, unlike everybody else, can lie under oath without severe penalty.

Admittedly, the evidence of criminal acts by the President of the United States has yet to be tested in court. It has yet to be proven true beyond a reasonable doubt. But common sense tells 90 percent of the Americans who are polled that it is obvious the President has lied, at least to the nation and probably under oath to a judge and the independent counsel's grand jury.

It is clear that the president coached Lewinsky to lie about their affair, that he assisted in concealing evidence that had been subpoenaed, that he got Lewinsky an attractive job in New York City in exchange for her untruthful testimony, that he allowed attorney Robert Bennett to make false statements, that his inability to remember dozens of important details was nothing more than taking the Fifth Amendment and that he made false and misleading statements to his staff, friends like Vernon Jordan and his Cabinet.

If the Judiciary Committee had failed to recommend impeachment, it would have implicitly condoned what Clinton had done. If the committee had failed to recommend impeachment, it would have put Clinton in position to claim vindication. That would complete the process that began last January after Clinton consulted Dick Morris and was told that the American people would condone sexual misconduct but would not condone lying to cover up an affair. ''Then we will have to win,'' Clinton said.

Rep. Greg Ganske, R-Iowa, speaking of why he will support impeachment, said, ''The idea that Congress should simply apply a 'wrist-slap' censure is another effort to put the president above the law.'' Ganske quoted the late Supreme Court Justice Louis Brandeis, who said that ''if the government becomes a lawbreaker, it breeds contempt for the law.''

Impeachment is the ultimate censure, Rep. Bill McCollum, R-Fla., has said, whether or not the Senate subsequently votes to remove Clinton from office. (Indeed, as Sen. Orrin Hatch has suggested, the Senate could convict but decide not to remove Clinton from office.) History has all but forgotten the handful of censure resolutions approved by Congress.

Dictators and tyrants hold themselves above the law. Presidents, for the most part, do not. Americans fought a revolution to repudiate the divine right of the monarchy to be a law unto itself. Now the defenders of Clinton argue that he shouldn't be bound by laws that ordinary people must obey. To give the presidency such a privilege would betray the revolution. It would invest the presidency with a kingly status that the Founders explicitly attempted to prevent.

A failure to impeach would send to the armed forces the message that the commander in chief cannot be held to the standards of honor and personal integrity that are drilled into all military people.

A failure to impeach would undermine the current set of sexual harassment laws and codes about appropriate conduct in the workplace. Managers who were fired for trying to seduce subordinates would challenge the rules. Clinton's legalistic definition of sexual relations would be flung around as justification for sexual contact short of intercourse. More people would accept a right to obfuscate to prevent personal embarrassment or inconvenience.

Rep. Steve Chabot, R-Ohio, said that, as he voted with much sadness for impeachment, he felt ''more emotion than I've ever felt as a member of Congress.'' We understand. The inclination to forgive is strong in the American people. They know that, like their president, many people have flaws.

This editorial page, too, would love to be able to forgive the president. But our love for this great country is even stronger than the impulse to forgive the president's misbehavior.

Mr. Clinton has hurt the country by his reckless behavior and his lying under oath. Impeachment is the only constitutional way to reaffirm the values, including the rule of law, for which this great country stands. Our fingers tremble as they pause over the keyboard and our heart is heavy as we say: The House of Representatives should vote yes on Impeachment Articles I, II, and IV.

Mr. Speaker, this Member would ask his colleagues to consider carefully the following editorial from the December 16, 1998, edition of the Norfolk Daily News, entitled ''Republicans are not culprits here.''

From the Norfolk Daily News, Dec. 16, 1998]

REPUBLICANS ARE NOT CULPRITS HERE—ONLY ONE MAN IS TO BLAME FOR TURMOIL FACING THE NATION—BILL CLINTON

We wonder whether some members of the Democratic Party realize how ridiculous and lame they are sounding when they spout dire warnings about the upcoming House of Representatives vote on impeaching President Bill Clinton.

If the president is impeached, they cry, House Republicans will be invalidating the results of two national elections, defying the will of the people and making a mockery of the democratic process.

Those arguments, however, don't hold water. Supporters of the president would have much more credibility if they would stick to arguing that the offenses committed by the president do not, in their opinion, justify impeachment. Instead, they keep throwing up these weak, peripheral claims.

The Democratic supporters of President Clinton are correct in the sense that a majority of U.S. citizens, in two separate votes, elected the former Arkansas governor to be president and then re-elected him. Does that mean, however, that Bill Clinton—or any president for that matter—is entitled to serve his full term in office, regardless of his deeds or conduct while there? Of course not.

History is full of examples where voters made decisions they thought were correct at the time they were making them only to be proven wrong later. The full range of President Clinton's misconduct and what we believe to be impeachable offenses were not known to voters when they first elected and then re-elected him.

Only now are voters realizing the kind of man they have leading them.

Some Clinton supporters are quick to point out, however, that public opinion polls say that even though a majority of Americans believe President Clinton lied under oath and engaged in an abuse of power, they don't think he should be impeached as a result.

To that we say—with all due respect—so what? In our opinion, it's an irrelevant point.

That's because what the House of Representatives is dealing with here is a president who has allegedly committed impeachable acts. Public opinion doesn't hold sway in a court of law, and it shouldn't be a factor here, either.

Juries, whether in civil or criminal cases, have to make decisions based on the facts presented to them and the laws governing the case. They can't be affected by protesters outside the courtroom's doors, media reports or anything else. The same is true for members of the House.

They must make the decision on whether to impeach the president based on the facts—as best they can discern them—concerning President Clinton's conduct and the provisions in the U.S. Constitution that govern impeachment.

We, along with many others, have offered the opinion in the past that President Clinton should resign from office. His affair with Monica Lewinsky, which led to the conduct that now is being considered by the House, is a blemish on the grand stature of the presidency.

His honesty and integrity is gone. His honor, too. When a man or woman loses those things, there is nothing left to stand on.

Resigning from office would allow Mr. Clinton to leave the White House with a measure of dignity and self-respect. By doing so, he would be putting the best interests of the United States ahead of his own, avoiding putting this nation through the turmoil of an impeachment process and a Senate trial.

But if he declines to do so, then that is what must occur, regardless of how damaging it might be to a nation's self-image or governing process. For when allegedly impeachable acts have occurred, the law must be followed. It is a hallmark of our nation.

So, to those Clinton supporters who say that Republicans are endangering the future of this nation by pursuing the impeachment process, they are wrong. There is only one man who has caused all of this. His name is Bill Clinton.

Mr. CRANE. Mr. Speaker, we as a body are called upon to perform one of the most significant duties we have as sworn defenders of the Constitution—to consider whether to impeach the President of the United States.

I, for one, do not entertain this task lightly or with any joy despite my many political disagreements with Mr. Clinton. However, based on the investigation of the Independent Counsel, Mr. Starr, and the yeoman's work performed by Chairman HYDE and my colleagues on the Judiciary Committee, I have concluded that the four articles of impeachment are warranted. Mr. Clinton lied to the American people, lied to the courts, obstructed justice and abused the power of his office.

During the discovery of these offenses committed by Mr. Clinton, I urged him to do the honorable thing and resign. Instead, he continued to deny his misdeeds and, in so doing, tarnished the office of the President. It is our duty to restore the luster to that office.

Some have argued that this process is neither appropriate, because of partisanship, nor timely, because of the military situation with Iraq.

The wise Framers of our Constitution, in seeking to diffuse power in the government, created the process by which the Chief Executive could be held accountable for violating his oath of office. Should the House vote to impeach the President, he will remain in office and in charge of the Armed Forces. The act of impeachment is to indict Mr. Clinton on the above charges and it is the duty of the U.S. Senate to determine the guilt or innocence of the President. Two-thirds of the Senate must agree before the President can be removed from office. This deliberate process is far from what our Democrat friends have described today as a Republican ''coup d'etat.''

Furthermore, we are not judging the moral character of Mr. Clinton, we are holding him accountable for violating the laws the American people have entrusted him to enforce. History will judge us for what we do with these impeachment charges. The House must vote to approve these articles to maintain the integrity of our laws, indeed to preserve the integrity of our great nation.

I urge my colleagues to look past their party affiliation to their conscience and vote for these articles of impeachment.

Mr. BALLENGER. Mr. Speaker, I am sure I am not alone today in wishing I was somewhere else, engaged in other pursuits. I take no pleasure in coming to the well today to outline my conclusions relating to the grave matter before us—the Impeachment of William Jefferson Clinton, President of the United States, for high crimes and misdemeanors.

Specifically, the House Judiciary Committee has recommended to the House four articles of impeachment: two counts of perjury; one count of obstruction of justice; and one count of abuse of power.

After careful review of the Report of the Judiciary Committee on this matter, I have concluded that impeachment is warranted on all counts. Today or tomorrow, whenever the votes are taken, I will vote ''yes'' on all four counts.

Article I—On August 17, 1998, the President swore to tell the truth, the whole truth and nothing but the truth before a federal grand jury of the United States. It is absolutely clear to me that contrary to that oath, President Clinton willfully gave perjurious, false and misleading testimony to that grand jury about the nature and details of his relationship with Monica Lewinsky.

Article II—On December 23, 1997, the President submitted sworn answers to written questions asked as part of the Jones lawsuit against him. It is absolutely clear to me that contrary to this oath, President Clinton willfully gave perjurious, false and misleading testimony in response to these questions concerning conduct and proposed conduct with subordinate employees.

Article III—The evidence also is absolutely clear that President Clinton, using the powers of his office, engaged in personally and through his staff and agents, in a course of action designed to delay, impede, cover up and conceal the evidence and testimony related to the Jones lawsuit and the investigation by Independent Counsel Kenneth Starr. The evidence shows President Clinton encouraged a sworn affidavit to be executed that he knew to be false, misleading and perjurious; encouraged a witness to give false, misleading and perjurious testimony in the Jones lawsuit; engaged in and supported a scheme to conceal evidence that had been subpoenaed in the Jones lawsuit; engaged in an effort to secure job assistance for Ms. Lewinsky, a witness against him in the Jones lawsuit to prevent truthful testimony of that witness; and, related a false and misleading account of events in the Jones lawsuit to a potential witness against him, his secretary, Betty Currie, in an attempt to influence her to give false testimony.

Article IV—The evidence clearly shows the President abused his power by refusing to and failing to respond to written requests by the House Judiciary Committee and willfully made perjurious, false and misleading sworn statements in response to certain of these written requests.

What this matter comes down to is really several simple questions. Did the President of the United States lie under oath? Did he use his office and the power of his office to obstruct justice? And, did he abuse the power of his office? The evidence, in my opinion, is compelling. That is why I must vote for all four Articles of Impeachment.

We are a nation of laws, not of men. The law is for the most powerful and privileged in our society, as well as for the economically and socially disadvantaged. The President cannot be judged on a different standard than anyone else simply because he is the President. In fact, because he is the President, he is the chief law enforcement officer of this Nation, and is duty bound to uphold the law. Telling the truth under oath, the bedrock of our judicial system, is the very least we should be able to expect from our President.

I want to thank all of the thousands of residents of the 10th district of North Carolina for taking the time to contact my office over the past few months. I know these votes I cast today will please some and disappoint others. All I can say is I came to these conclusions after careful study and review of the facts. I tried to stay open-minded and weigh the evidence carefully. I also refrained from making statements in the press and doing interviews on the matter, believing it better to wait to make a decision until the investigation was complete and the Judiciary Committee had made its determination. I do not make the decision lightly or for political reasons. Nor, do I make the decision based on the polls. The decision to support all four articles of impeachment is based on the facts. Sadly, the facts of this case warrant a ''yes'' vote to impeach.

Mr. MILLER of Florida. Mr. Speaker, for the second time in my adult life, I have watched ''a long national nightmare'' unfold. I am as anxious for this to be over as I was for the Watergate saga to end. But that does not absolve me of my responsibility to do what I think is right. Given the importance of this vote and the thousands of letters, phone calls and e-mails I have received, I believe my constituents deserve an explanation of why I cast my vote for the impeachment of William Jefferson Clinton.

Fifty years from now, what lesson do we want our school children to take from this tragic episode? I want them to learn the importance of always telling the truth. I want them to understand the consequences of lying. I don't want them to learn that you can yourself out of trouble by being ''clever.''

Many have said that impeachment is not about punishing wrongdoing, but about protecting our system of constitutional government. I agree. Punishment is in the hands of President Clinton's family and God. But I believe the facts clearly show that William Jefferson Clinton deliberately sought to obstruct the judicial process in a civil rights case and committed deliberate and pervasive perjury before a federal grand jury and to the Congress. When the President of the United States treats our system of justice with such contempt and selfishness, he must be impeached.

Opponents of impeachment argue that the crimes were minor, the facts are fuzzy and the definition of words and acts are subject to interpretation. That is true if—and only if—we are forced to ignore logic, common sense and context. Start with his deposition in the federal civil rights case, Jones versus Clinton. The President was asked if he had ever been alone with Ms. Lewinsky. He said he wasn't sure, but he didn't think so. He was asked if he had ever given her gifts. He said he didn't remember—despite giving and receiving over 40 gifts. He was asked if he had ever called her. He said maybe a few times, but the facts show over 55 calls, which included intimate discussions. And when he was asked if Ms. Lewinsky's affidavit in which she denied any sexual relationship of any kind was true, the President responded, ''that is absolutely true.'' Logic and common sense tell us that he wasn't trying to be truthful, as he has claimed. He was deliberately, with malice and forethought, lying in a federal civil rights case.

Now, put that deliberate lie in the context of his testimony before the Grand Jury. In that August 17th performance, the President repeatedly testified that his earlier testimony had been truthful, if not particularly helpful. That is a lie—and it is an obvious and deliberate lie when put into context. If you conclude, as I have, that he deliberately lied in his earlier civil rights testimony, then his grand jury testimony in which he claims he was being truthful but didn't understand certain definitions or wasn't paying attention, etc. are all lies as well. These execuses were made up after the fact for the specific purpose of denying that he had earlier committed perjury. I have concluded that the President of the United States went before a federal grand jury with the specific intent to commit perjury.

He didn't get caught in a trap, he wasn't ill-served by his lawyers, the questions weren't subject to interpretation—the facts, logic and common sense show that William Jefferson Clinton's specific purpose in two depositions was to lie.

I also believe the facts show that the President attempted to obstruct justice and to use the full power of the White House to destroy the reputation of Ms. Lewinsky. The facts are numerous, but let me cite a few. The day after he deliberately lied in the federal civil rights case he summoned his secretary, Betty Currie, to his office and went through a series of statements about his relationship with Ms. Lewinsky, each of which were complete falsehoods. According to Ms. Currie, the President was trying to get her to agree to these false statements. That is called witness tampering and it is a serious crime. The day before, in his testimony, he had repeatedly said ''you would have to ask Betty'' or ''Betty would know about that.'' Not only did he have reason to believe she would be called as a witness—he was attempting to get her called as a witness.

About a week later he summoned his adie, Sydney Blumenthal, to his office and made up a story about how Ms. Lewinsky had come-on to him and that she was known as the ''stalker'' and had threatened to blackmail him unless he gave in to her propositions. A few days later, Ms. Lewinsky was described in several news stories by ''senior White House aides'' as a ''stalker'' and as unbalanced. The President was willing to use the power of the White House to destroy the reputation of a young woman with whom he had an intimate relationship. Not only is that despicable, it is an effort to reinforce the lies he made under oath.

I believe those are the facts and very few of my colleagues have even attempted to dispute these facts. The question is whether this conduct rises to the level of ''high crimes and misdemeanors.'' I believe they do. Prior to his August 17 Grand Jury testimony, President Clinton was ''on notice.'' The country and the Congress made clear to him that what we needed was the truth. Instead, the President deliberately, if perhaps cleverly, committed perjury. Given the brazen nature of this crime, President Clinton has shown contempt for the American people and for the Constitution which he is sworn to uphold.

To protect the sanctity of our system, such a man should not hold the highest office in the land. With a heavy heart, I am compelled to vote for the impeachment of William Jefferson Clinton.

Mr. CLAY. Mr. Speaker, I rise in opposition to the Republican majority's impeachment resolution because it constitutes nothing more than a highly partisan political attempt to further embarrass the President of the United States. I believe it is shameful that the majority is attempting to overturn the 1996 election of President Clinton by abusing the impeachment process. The real jury in this country—the American people—have already forcefully spoken on this matter. They want the Republican to find a responsible and appropriate punishment for the President's misconduct. Censure—the appropriate vehicle—has been denied this House. The obsessive and partisan $40 million witch-hunt began years ago with Whitewater, coursed through Travelgate and Filegate, and has concluded with a referral of charges based primarily on actions much less than impeachable offense.

Mr. Speaker, much has been made today about the sanctity of the ''rule of law.'' May I, Sir, disagree with the reverence given this country's ''rule of law''? It was the ''rule of law,'' I point out, that enslaved my ancestors. It was the ''rule of law'' that disenfranchised women. It was the convoluted ''rule of law'' that permitted the lynching of hundreds of thousands of African Americans.

Mr. Speaker, the Republican majority has relied solely on Ken Starr's referral to produce the four Articles of Impeachment. None of the allegations offered in support of the articles meet the required Constitutional standard of ''treason, bribery, or other high crimes and misdemeanors.'' None involve a breach of the public's trust or a failure to properly perform official duties.

The Judiciary Committee began its work in an unfair and biased manner. It should be no surprise to that it reached a flawed result. First, the Committee released thousands of pages of Grand Jury documents without providing the President a reasonable opportunity to review them. Second, the Committee did not call any witnesses to test the validity of the Independent Counsel's allegations. Third, the Committee Republicans drafted their impeachment articles before the President's lawyers had even completed presenting his defense.

The American people want closure and compromise on this issue, not government gridlock and games. They want the Congress to devote its attention to matters of vital importance to America's future.

Mr. THORNBERRY. Mr. Speaker, like most of my colleagues, I am acutely aware of the gravity of this situation, of this process, and of the potential consequences for the nation. I do not face it lightly or without serious thought and soul-searching. The decision on whether to impeach a President is a decision that few in our history have been called to make, and it is a decision that will reverberate for generations in our nation, its government, its ideals and values.

The facts here are not seriously in dispute. The President lied under oath in two separate judicial proceedings. The President caused or encouraged others to lie, and he attempted to prevent evidence from coming to light. The President deceived Congress and the American people.

His actions have rightfully been denounced across the country. The President's conduct has embarrassed him and his family, as well as our entire Nation. He has severely damaged the institution of the Presidency, particularly in its role of providing moral leadership for the Nation.

Not all wrongful conduct by a President meets the standard for impeachment in the Constitution, however. The House is assigned the duty of determining whether a President should be impeached, and the Senate must then conduct a trail to determine whether the President will be convicted of the charges contained in the Articles of Impeachment.

In considering the appropriate constitutional standards for the House vote on impeachment, I find it helpful to look back at a report produced by the Judiciary Committee in 1974 as the impeachment inquiry of President Nixon was about to begin. That report found that:

> Each of the thirteen American impeachments involved charges of misconduct, incompatible with the official position of the officeholder. This conduct falls into three broad categories: (1) exceeding the constitutional bounds of the powers of the office in derogation of the powers of another branch of government; (2) behaving in a manner

grossly incompatible with the proper function and purpose of the office; and (3) employing the power of the office for an improper purpose or for personal gain. [p. 17–18]

Less than one-third of the eighty-three articles the House has adopted have explicitly charged the violation of a criminal statute or used the word ''criminal'' or ''crime'' to describe the conduct alleged, and ten of the articles that do were those involving the Tenure of Office Act in the impeachment of President Andrew Johnson. . . . Much more common in the articles are allegations that the *officer has violated his duties or his oath or seriously undermined public confidence in his ability to perform his official function.* (emphasis added) [p. 21]

It is useful to note three major presidential duties of broad scope that are explicitly recited in the Constitution: ''to take Care that the Laws be faithfully executed,'' to ''faithfully execute the Office of President of the United States'' and to ''preserve, protect, and defend the Constitution of the United States'' to the best of his ability. The first is directly imposed by the Constitution; the second and third are included in the constitutionally prescribed oath that the President is required to take before he enters upon the execution of this office and are, therefore, also expressly imposed by the Constitution. [p. 27]

(*Constitutional Grounds for Presidential Impeachment,* Report by the Staff of the Impeachment Inquiry, Committee on the Judiciary, House of Representatives, February 1974.)

LYING UNDER OATH IN A JUDICIAL PROCEEDING

Violating a criminal statute in itself may well be a sufficient basis for impeachment, and of course, lying under oath in a judicial proceeding is a crime. A President should not escape the consequences of his actions just because he is President. President Washington warned in his Farewell Address in 1796 that ''[t]he very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.'' The rule of law is the basis for the fundamental rights of each American and requires that no one, including the President, be above the law.

But in addition, I believe that a President who lies under oath in a judicial proceeding is subject to impeachment because such conduct undermines our legal system, violates the President's oath and his constitutional responsibilities, and seriously undermines public confidence in a President's ability to perform his official functions. There are three reasons for this.

First, lying under oath in a judicial proceeding undermines the legal system of the United States because it attacks its most fundamental underpinning—the requirement of every individual to tell the truth. If the President can lie in a judicial proceeding without paying the consequences, it means either that the President is above the law or that no citizen need fear the consequences of not telling the truth. Neither can be permitted.

Some say that other Presidents have not always told the truth and were not impeached. Assuming that past Presidents have lied, they have not done so while under oath in a judicial proceeding. By doing so here, President Clinton has undermined the American judicial system in a way that threatens the rights of every American citizen.

Second, I believe that lying under oath in a judicial proceeding violates the President's oath ''to faithfully execute the Office of President of the United States.'' It also violates his duty ''to take Care that the Laws be faithfully executed.'' Violating his oath of office and his constitutional duties certainly meets the constitutional standard of impeachment.

Third, by lying under oath in a judicial proceeding, the President has violated the confidence and trust of the American people. Public trust and confidence are essential elements of the presidency. President Franklin Roosevelt said in one of his ''Fireside Chats'' on April 14, 1938, ''I never forget that I live in a house owned by all the American people and that I have been given their trust.'' Betrayal or abuse of that trust was exactly what the Framers believed would require impeachment. Alexander Hamilton wrote in Federalist Paper Number 65 that impeachable offenses are ''those offenses which proceed from the misconduct of public men, or, in other words, *from the abuse or violations of some public trust.''* (emphasis added)

Trust in what a President says is uniquely important because of the awesome duties and responsibilities invested in one person, including his duties as Commander in Chief. President Clinton's lies and deceptions ''seriously undermine public confidence in his ability to perform his official function.'' As one of his former cabinet members, Robert Reich, wrote:

The second offense is the public lie—not simply the fact of it (presidents aren't always honest), but its passionate intensity. . . .

If he can so convincingly fake a lie, how can the public believe anything else he says—including his current stream of apologies? (Wall Street Journal, September 14, 1998.)

Recent events involving Iraq highlight again the importance of public trust in the President.

OBSTRUCTION OF JUSTICE

In addition to lying under oath, the President has used or attempted to use the power and influence of his office to shield himself from the political and legal consequences of his actions. He attempted to falsely shape the testimony of witnesses and to prevent evidence from being discovered. In so doing, he ''employ[ed] the power of the office for an improper purpose or for personal gain.''

Thus, in comparing President Clinton's conduct with the standards of impeachment as articulated by the Framers, as well as by the Judiciary Committee in 1974, the President's conduct clearly meets or exceeds that standard required for impeachment.

But even if the constitutional standard for impeachment is met, some argue that the House should exercise its discretion and look for some other remedy so as to not put the country through a trial in the Senate. A variety of arguments are used about how it is in the best interests of the nation not to subject the country and its institutions of government to a Senate trial.

For example, some voice concern about a trial's effects on the economy. But as one writer has stated:

The first responsibility of the [president] is not to achieve growth of 2.5 percent but to ensure the legitimacy of the system itself. In this fundamental task, Clinton has clearly not only failed; he has deliberately broken his oath of office. Clinton's attitude toward the law has not been how he can best uphold it but how he can best evade it. His attitude toward democratic political discourse has been not how he can address the issues honestly but how he can best dissemble, obfuscate, and lie. At some point, such a person does not merely demean himself; he demeans and threatens the entire system of government he is elected to defend. (Andrew Sullivan, The New Republic, September 14, 1998.)

In fact, it is this pattern of unlawful and reckless behavior, in which the nation's interests are secondary to this President's own selfish interests and desires, which establishes his betrayal of the public trust and mandates his removal.

A newspaper editorial earlier this year states the heart of the matter:

He should resign because he has resolutely failed—and continues to fail—the most fundamental test of any president: to put his nation's interests first. (*USA Today,* September 14, 1998.)

To me, Mr. Speaker, that is the essential truth from which we cannot escape. This President has violated the law; he has betrayed his oath and constitutional duty; he has undermined the legal system and the rule of law—all to promote his own selfish interests and desires, which he consistently puts ahead of the country's best interests.

A number of our colleagues point out that opinion polls indicate most Americans do not favor removing the President from office. Even if one assumes that current polls accurately reflect popular opinion, pollsters have not yet claimed to speak for future generations.

I believe such matters cannot be decided by polls. I also believe that the nation is strong and will remain strong so long as we try to stay true to the values which built this nation. If we were to abandon those values because of unpleasant facts or an uncomfortable process, we would break the tether which binds us to the strength of the past.

We have to try to do the right thing on the question before us—wherever that may lead—to affirm the principles and values that make America unique in the history of the world and that give us our only chance to remain the light of the world into the 21st century.

We affirm the principles of our legal system and the values of truth, equal justice, and the rule of law by voting to impeach William Jefferson Clinton.

Mr. WOLF. Mr. Speaker, for months I have been troubled by the matter of the President. I wish more than anything that we were not here at this moment in our Nation's history poised to vote on the articles of impeachment as reported by the House Judiciary Committee. I regret that this vote was not averted both for the sake of the Office of the Presidency and the American people. But this matter has moved through its consitutionally mandated process and we must vote according to our conscience and to our sworn duty as representatives in the Congress.

I am aware of the public opinion polls and the snapshots in time those surveys report which show people are generally content and would rather not upset the apple cart. Had political opinion polls been the guiding principle on other important matters before our nation, such as women's suffrage and desegregation how long would it have taken for elected officials to have done the right thing? We cannot be led by the current polling data. There comes a time when leaders must lead, no matter what the political fallout.

I am aware the Republican majority party could pay a price for doing what I believe is the right thing and protecting the rule of law.

A vote for impeachment in the House to send this matter to the Senate for final resolution, I believe, is the right thing for this country.

On February 5, 1998, I made the following statement regarding the President:

A MATTER OF TRUTH

(Special order statement by Representative Frank R. Wolf of Virginia, February 5, 1998)

Mr. WOLF. Mr. Speaker, I want to take a moment to speak on what has been happening in this country lately. It's not about impeachment of the President. Or prosecution of the President. It's what's been on my mind and on my conscience.

For all the clamor in the press and on radio and TV about allegations swirling around the President, there has been a blanket of silence on the part of too many who ought to provide commentary on the moral tone of this country.

And I am not sure why. Perhaps there is a ''don't rock the boat'' feeling. Times are good and let's just sweep this under the rug and not focus on the moral aspect of this. Perhaps the talk of impeachment and prosecution got out there too early and preempted those who might have felt obligated to comment on the moral issue and its impact on leadership of the country.

Their reluctance was not evident in earlier cases. The young woman who flew Air Force B–52s, the military general passed over for chairman of the Joint Chiefs, the tail-hook scandal which touched a number of senior Navy officials, charges against a former Senator who resigned, a Supreme Court nominee, a Presidential candidate and others brought a tidal wave of comment from every corner of America.

In America, a person is innocent until proven guilty. But we are not talking about a court of law. We are talking about right and wrong. We must give the President the benefit of the doubt. But let's not say these things don't matter. Because they do. They are at the very heart of honor, integrity, character and leadership.

What a person does in private affects the type of person he or she is in public. And a leader has an obligation to take responsibility for his or her actions and not try to explain them away or blame others.

If indeed we have lost the capacity to distinguish vice from virtue, if we believe that private behavior has no public consequences, if we believe that our nation's leaders do not have to be good and moral and righteous men and women who live by the truth, then we have abandoned the very heritage of this nation.

I believe America ought to expect more from its leaders and I think most agree. If, as has been the case for ages, kids want to grow up to be President of the United States, then, like it or not, the person holding that title has a special responsibility and we have every right to hold him or her accountable to that duty. Saying Americans don't care just doesn't wash with me.

Truth is something we have always honored in this country. We teach our children from an early age to be truthful. George Washington's birthday is coming soon, and we have long told the story about his admitting to cutting down the cherry tree—''I cannot tell a lie.''

When any President takes office there is an implied promise that he or she will level with the people, that he or she will be honest with them. A solemn bond of trust has always existed between the President and the people. And it must always be this way.

Every President has an obligation to tell the whole truth. If Richard Nixon had told the whole truth and asked the people for forgiveness, I believe he would have been forgiven.

Today there is a pall of doubt over the presidency. Not being forthcoming with whatever the truth may be leaves doubt about the bond of trust between the President and the people and keeps open the question of fitness to serve in high office.

The only way America can put this behind us once and for all is to be assured that when the President speaks, he is telling the truth. I hope this President can give this assurance. If President Clinton tells the American people the whole truth and needs forgiveness, I believe he will be forgiven.

All of us err and make mistakes, including me. No one is perfect. But for forgiveness and healing to take place there first must be confession and truth. Then we can move on. Thank you.

On August 17, President Clinton belatedly addressed the nation admitting to an ''improper relationship.'' On September 9, the Office of Independent Counsel (OIC) referred to the House of Representatives a report outlining 11 charges of perjury, obstruction of justice, witness tampering and abuse of power in what the OIC called ''substantial and credible information that President Clinton committed acts that may constitute grounds for an impeachment.'' On September 15, after review and consideration of the OIC report, I made the following statement calling on President Clinton to resign for the sake of his family and the Nation:

ON THE MATTER OF THE PRESIDENT

(Statement by Representative Frank R. Wolf of Virginia, September 15, 1998)

It was seven months ago when I stood on the House floor and stated that if President Clinton would tell the American people the whole truth and ask for their forgiveness, then I believed that he would and should be forgiven and allowed to continue in office. Unfortunately, in the ensuing months, the President instead chose a campaign of deception, cover-up, and counterattacks in a relentless push for self-preservation.

He has let the American people down in a grievous manner. He has abused the power of the Office of the Presidency. I believe he has lost the ability to be an effective and credible leader of our country.

When he had the chance early on, he failed to apologize and accept responsibility for his actions. He has only recently acknowledged his misconduct and his misleading of the American people and he has now apologized, when perhaps faced with no other choice. Should we forgive him? I believe yes, on a personal level, as a human being, we understand his personal embarrassment and should accept his apologies and forgive him. We all make mistakes. none of us is perfect.

As disappointing as the President's behavior in the Oval Office has been, however, this is not just bout his personal indiscretions. It is about the bond of honor and trust between the President and the people. The President has betrayed that trust. I believe the President's moral authority, personal credibility and integrity have been irreparably damaged.

President Clinton has said that this is a private matter to be dealt with by his family. But he himself brought it beyond that at the moment he lied in a sworn deposition and again before a federal grand jury.

There must be accountability for his violation of the solemn trust the American people have placed in him. Actions have consequences. The President's abuse of the trust placed in the highest office in this land has damaged his credibility to lead. The President's word should be his bond, but we now see that it has not been. Instead, we have to analyze and parse and dissect each of his words to ensure that we are not being duped.

We see his well-paid lawyers trying to redefine morality, twisting words and phrases to have different meanings. What does this do to our judicial system, to our society? What message does this send to our young people? Much in the fabric of our society depends on people telling the truth, or a common understanding of wrongdoing.

Character does matter. The President is not a mere policy technician. He is the emblem of all that our country stands for. He is our representative to the world. He is the preeminent role model. Nations and governments around the world depend upon the veracity of his word and his character to make major decisions. In Luke 12:48 we are told that ''to whom much has been given, much will be demanded; and from the one who has been entrusted with much, much more will be asked.'' Our presidents are entrusted with much and our expectations of them as leaders are high. Truth matters in both public and private life.

In his televised address to the nation on August 17, the President expressed concern that too many people have been hurt by this unfortunate episode. As this process continues, how many more people will be hurt? How many more lives shattered? The impeachment process will be long and drawn out over months, possibly not concluding until early next summer. My fear is that it will divide the country. It also will divert the attention of the nation away from important domestic and foreign policy matters. Our leadership—the White House and the Congress—will be tied up, debilitated at a time of serious problems in the world. From a world view, we face dangerous times. Russia, Asia and Latin America are in economic crisis. India and Pakistan are testing nuclear weapons. The threat of terrorism is increasing. There is instability still in Iraq with Saddam Hussein, in Bosnia, North Korea, and elsewhere. We need to pay attention to keeping our own economy strong.

We wish that this whole matter had not taken place. But it did, by the President's own admission. This resulted in deceiving the American people, the President's family, his Cabinet and the White House staff. Now the investigation has brought charges by the Office of Independent Counsel of perjury, obstruction of justice, and abuse of constitutional authority which have begun the congressional inquiry process for impeachment. And, the OIC's work is not over and could continue for a long time. As long as this investigation goes on, the country is basically stalled, with the President's attention diverted, and that's dangerous not only for our country, but for the world.

Therefore, painful though it is, I believe the time has come for the President to resign. It's time he put aside his own interests and do what's best for America and its interests. He and his administration have had successes and accomplishments. But in the time ahead, this President will be handcuffed to a matter of his own making, a matter from which the only escape for him and our country is his resignation. Though we should and do personally forgive him, we cannot undo or deny the irreparable damage that his conduct has brought upon his ability to serve as President.

Resignation is the honorable thing to do. I believe that the President's resignation can be an act of nobility on his part. I further believe that this President will have the opportunity to make significant contributions to our country in the future as a private citizen. But now, I urge the President to do the right thing for his family and his country and resign the Office of the Presidency and bring this saga to an end.

Today, I am convinced the President lied under oath and obstructed justice. On June

30, 1994, upon signing into law the current Independent Counsel statute, President Clinton said, ''It ensures that no matter what party controls the Congress or the executive branch, an independent, nonpartisan process will be in place to guarantee the integrity of public officials and ensure that no one is above the law.''

President Clinton is the highest law enforcement official in our nation. He must be held to a higher standard of integrity, not a lesser standard. We live in a society governed by the rule of law, not by man.

I was one of only eight House Republican members to vote not to seat Representative GINGRICH as Speaker for the 105th Congress until completion of the then pending ethics committee report. It was a difficult vote and it angered many in my own party. My vote then was a vote of conscience, as is my vote today.

President Clinton had it right in 1994: ''. . . no one is above the law.'' President Clinton, the highest ranking law enforcement official in our Nation, has shown contempt for the law and must be held accountable. The matter before this body is clear. It is about the integrity of the rule of law, it is about telling the truth, it is about our Nation's basic judicial principles, our founding principles of democracy, and upholding the trust and respect of the Office of the Presidency.

Mr. MILLER of California. Mr. Speaker, as a result of recent surgery and because of the potential health risks of air travel at this time in my recuperation, I am greatly disappointed that I am unable to attend the session of the House of Representatives today as we consider one of the most serious actions we can take under the Constitution: not simply the removal of the President from office, but overturning the decision of the American people in twice electing him to that office. I urge my colleagues to vote against impeachment, and I would so vote were I able to be present in the chamber today.

The partisan resolutions presented to the House by the Judiciary Committee are an affront to the American electorate and a repudiation of the Constitution. They trivialize the awesome act of impeachment. They mis-state both the law and the historical precedent. And they will inaugurate a season of recrimination, divisiveness and partisanship that will taint this House and this nation unnecessarily.

No one in this Chamber, or in this nation, disputes that the President was terribly wrong in his actions. No one disputes that he was far less than candid in his statements in the Jones deposition, before the Grand Jury, and particularly, to the American people. No one disagrees that strong action by this House is justified to convey our disapproval, and that of the American people, with the manner in which the President has conducted himself in this scandal.

But those are not the questions before the House today. The question is whether or not those actions warrant his impeachment and his removal from office. And the answer is ''no.''

While the majority of Americans are justifiable disappointed in the President, as am I, they have registered their views loudly and clearly that the President should not be removed from office. I have had the advantage, or disadvantage, of being in bed, recovering from surgery, these past two weeks, and I have used that opportunity to listen to Americans on television and radio from all over this country. They do not approve of what we are being forced to vote on today. Constituents who have contacted my office from the 7th district of California by phone, fax and e-mail over the past two weeks have overwhelmingly stated their opposition to impeaching the President over this matter. And they are correct.

Impeachment was intended by the framers of the Constitution—and has been treated by every Congress since 1789 with one single, disreputable exception 130 years ago—as an extraordinary means of removing a president whose use of his Executive Authority poses an imminent threat to our constitutional form of government. Whatever you thing of Bill Clinton and the Lewinsky scandal, providing false or misleading testimony in a resolved civil suit does not rise to the constitutional standard of ''high crimes and misdemeanors.'' Nor does giving evasive answers to the Congress. We can object to such behavior; we should condemn such behavior. But Mr. Clinton's action in no way threatens either the institutions of our government or the Constitution.

If we proceed in voting impeachment for misleading a Grand Jury about private behavior that has nothing to do with the exercise of presidential power, then this House must be prepared for the impeachment bar to be moved with impunity and recklessness in the future. Misrepresenting, or lying, or twisting the truth—none of them are acceptable behaviors by public officials, even when they involve private behaviors. But as we tragically know, deception is not unfamiliar in the corridors of the Capitol either. Let us exercise great caution in what we approve as a new standard for removing federal officials from office, because this House and this Congress could become ugly and bitter institutions.

I urge the Republican leadership of this House to reconsider its unwise and partisan Rule that bars Members from having the opportunity to vote for a censure resolution in lieu of impeachment. The Republicans' argument that censure is prohibited by the Constitution is absurd. The House can pass a Resolution, or a Joint Resolution with the Senate, expressing its view on any subject, as we do with great frequency on subjects from the trivial to the deadly serious.

There is absolutely no reason under the Constitution or the House Rules why a strong censure resolution, as has been proposed, should not be subject to debate and consideration by the House, especially since it is very possible that a bipartisan majority prefers censure to impeachment, as do the people of the United States.

But the Republican leadership will not permit an open debate. They only want to allow debate on the inflammatory and legally dubious resolutions reported on a strictly partisan vote from the Judiciary Committee. And we know why. Because the extremist element in the Republican Part which has been trying for six years to force a popular, elected president from office by alleging scandal after unproven scandal—from Vincent Foster's alleged ''murder'' to Whitewater—is frustrated because those extremists have been unable to make any of the charges stick. In fact, Kenneth Starr's report never even accuses the President of perjury, and yet that is the basis for the most serious of the allegations contained in the impeachment resolutions.

And so, even at this late hour, I call upon the Republican leadership to step back and let this House freely consider a variety of sanctions against the President for his reckless and unacceptable conduct. I urge you: do not cheapen the constitutional test for impeachment. Do not abuse the Constitution to overturn a national election. And do not ignore the will of the voters who have elected their President and continue to send an unmistakable message that they do not want their representatives, at the end of the year, in the last moments of a lame duck Congress, to take this historic and fearsome action that truly will injure our Constitution and our democracy for years to come.

Mr. BROWN of California. Mr. Speaker, I rise today in opposition to House Resolution 611, Impeachment of William Jefferson Clinton, President of the United States.

This is the second time in my congressional career that I have been in the position to ponder the removal from office of a duly elected president. After 1974, it was a decision I hoped never to be faced with again. Next to declarations of war, impeachment is the most grave duty Congress is charged with. Overturning a presidential election, the very foundation of our system of popular government, is not something that should be done on a partisan basis. Impeachment may be a political process, but it is our opportunity to exhibit the depth of fairness and justice this body should possess, not single minded partisan determination.

Like most of my colleagues, I have openly expressed my condemnation of President Clinton's inappropriate and immoral behavior. I have agreed that he should face punishment for his actions and I do believe that he should take responsibility for the disgrace he has caused himself and the turmoil he has caused this nation.

However, the question each member of Congress is faced with today is what level of punishment is appropriate. I agree with my Democratic colleagues on the Judiciary Committee that there is a vital and distinct difference between punishment and impeachment. Impeachment is intended for great and serious offenses against our constitutional system of government. It is not intended to be a punishment for personal misconduct not related to the presidential office.

The conduct alleged against President Clinton does not rise to the level of impeachment. It is not necessary to remove Clinton from office to protect our nation and I do not support lowering the high standard of impeachment. I am gravely disappointed that the Majority has denied this, the People's House the opportunity for a straight vote on censure, the option the majority of the very people we represent support. In blatantly disregarding the views of the American people, this body has illegitimized itself.

I plan to vote in the manner I believe is best for our country. I will vote against the impeachment resolutions, I will watch as our constitutional system undergoes its greatest test, and I will hope that at the very least, future Congresses will learn from what we do today.

Mr. WHITFIELD. Mr. Speaker, today the United States House of Representatives begins debate on Articles of Impeachment of President William Jefferson Clinton. This is the first time in over 130 years that the House of

Representatives has performed its solemn duty of determining whether a sitting President should be impeached.

Article II, Section 4 of our Constitution reads: ''The President, Vice President and all civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery and other high crimes and misdemeanors.''

The President has been charged with committing ''high crimes and misdemeanors.'' Specifically: perjury in testimony before a federal grand jury; perjury in a Federal civil rights suit in which he was the defendant; obstruction of justice; and abuse of power.

The President's attorneys argue that he has not committed high crimes and misdemeanors.

Legal scholars and English Parliamentary law make it perfectly clear that the phrase ''high crimes and misdemeanors'' includes not only crimes for which an indictment may be brought, but also grave political offenses, corruption, maladministration or neglect of duty involving moral turpitude, and arbitrary and oppressive conduct none of which need constitute a crime.

A majority of legal scholars agree that noncriminal misconduct may be impeachable. In fact, every impeachment case presented to the United States Senate before 1973 included articles charging offenses that are not criminally indictable.

In addition, to be impeachable, the misconduct must threaten grave harm to the country.

President Clinton's alleged behavior constitutes an assault on the truth-finding mechanism of our judicial system. For example, perjury is a crime because our judicial system cannot work unless citizens tell the truth when testifying in judicial proceedings.

Articles of Impeachment I and II charge President Clinton with committing perjury. On August 17, 1998, President Clinton testified under oath before a Federal grand jury. He is charged with committing perjury in his answers to eight questions. On January 17, 1998, President Clinton testified under oath in his deposition in the Jones versus Clinton case. He is charged with committing perjury in his answers to 10 questions.

The President's legal team and other supporters claim that the first two articles involve nothing more than the President's private sex life. Nothing could be further from the truth. There is clear and convincing evidence that the President lied under oath in the civil case filed against him by Paula Jones because he did not want to lose the case and be required to pay her monetary damages. There is clear and convincing evidence that the President committed perjury when testifying before the Federal grand jury because he did not want to be indicted for perjury in the Jones case. It should be noted that despite all of his efforts, he eventually agreed to pay $700,000 to settle the case.

The President's defense to the perjury allegations is limited to only one aspect of his testimony, i.e. whether he had sexual relations with Monica Lewinsky. He basically ignores the perjury claims premised on his denial of being alone with Ms. Lewinsky, his denial of any involvement in obtaining a job for her, his falsely minimizing the number of occasions on which he had encounters with her, and his lies regarding gifts they exchanged.

The President and his lawyers assert that he did not commit perjury when he testified that he did not have sexual relations with Ms. Lewinsky, because he did not believe oral sex meant sexual relations.

Perjury is judged by an objective standard, i.e. what would a reasonable person understand the term to mean under the circumstances. A reasonable person would clearly believe that oral sex is a sexual relation.

The President's defenders assert that his relationship with Ms. Lewinsky is his private business and he should not be subject to impeachment even if he did commit perjury. If the Congress adopted that position, it would be establishing two different legal systems. One for the President and another for everyone else.

Since Bill Clinton has been President, the United States Department of Justice has prosecuted and convicted more than 400 persons for perjury.

Here are the facts of a few cases:

1. A Veterans Administration psychiatrist was convicted of perjury for lying in a civil suit about a sexual relationship she had with a patient. The psychiatrist was sentenced to six months in jail and lost her professional license.

2. A Texas judge was convicted of perjury for declaring he had used political contributions to buy flowers for his staff when, in fact, the flowers were for his wife.

3. A Florida postal supervisor is in prison for denying in a civil deposition that she had sexual relations with a subordinate.

4. The former women's basketball coach at the University of South Carolina went to prison after she was convicted of committing perjury relating to a sexual relationship with one of her players.

The President should not be immune from laws designed to protect the integrity of our judicial system. For these reasons, I will vote in favor of Articles I and II.

Article III charges the President with Obstruction of Justice. Specifically:

1. He is charged with encouraging Monica Lewinsky to file a sworn affidavit in the Jones case that he knew would be false.

2. He encouraged Monica Lewinsky to lie under oath if called personally to testify in the Jones versus Clinton case.

3. He told lies to White House aides who he knew would likely be called as witnesses before the Federal grand jury investigating his misconduct. the aides repeated the assertions to the grand jury, causing the grand jury to receive false information.

4. He engaged in a plan to conceal evidence that had been subpoenaed in a federal civil rights action brought against him.

5. He corruptly allowed his attorney to make false and misleading statements to a Federal Judge in an affidavit in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.

6. He related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

The term obstruction of justice usually refers to a violation of 18 U.S.C. § 1503 which contains a catchall clause making it unlawful to influence, obstruct, or impede the due administration of justice. It may also refer to 18 U.S.C. § 1512, which proscribes intimidating, threatening or corruptly persuading through deceptive conduct, a person in connection with an official proceeding.

During his deposition on January 17, 1998, in the Jones case, President Clinton frequently referred to his secretary, Betty Currie, as someone who could verify his testimony as it related particularly to Monica Lewinsky. At the deposition, Judge Wright imposed a protective order that directed the parties, including President Clinton, to refrain from discussing their testimony with anyone.

The next morning, a Sunday, President Clinton met with Betty Currie at the White House because it was foreseeable that she might be called as a witness in the Jones case. He told her about his testimony at the deposition and reviewed it in detail. She subsequently testified to the Federal grand jury that the President wanted her to agree with his testimony if she was called to testify.

The Betty Currie episode is one of the key points in this article. However, there are additional facts and evidence that provide convincing proof that the President did obstruct justice. I will vote in favor of Article III.

Article IV charges President Clinton with abuse of power. This article relates to the President's evasive answers to a list of 81 questions submitted to the Judiciary Committee.

From my analysis of this charge, the primary allegation is based on the President's use of executive privilege and his evasive answers to 81 questions submitted to him by the Judiciary Committee. Although I believe from the evidence that the President was less than forthcoming in his answers and may have been aggressive in his assertion of executive privilege, I do not believe he abused his power. I will vote against Article IV.

Mr. DOOLEY. Mr. Speaker, like most Americans, I believe the President's behavior was irresponsible, inappropriate, and deeply disappointing. But, like most Americans, I have concluded that his actions do not rise to standard of impeachment established by the Framers of our Constitution.

Make no mistake. The President is not above the law. He can be sued in criminal or civil proceedings for his actions in this matter when he leaves office. But as Members of Congress, we have a unique responsibility, and must adhere to the standards set forth by our founding fathers. Our founding fathers intended for impeachment to be a drastic remedy when the President has committed ''great and dangerous offenses'' against the nation.

Make no mistake. The President's behavior was wrong. But impeachment was never intended to punish the President for wrongdoing. Impeachment was intended to remove a President from office when his or her actions imperil the future of our nation. Impeachment was intended for a President who commits 'treason, bribery, or other high crimes and misdemeanors' against the nation. Congress should not lower the standard of impeachment, and reverse the will of the electorate merely as a means to express displeasure with the President's behavior.

Against the wisdom of nearly nine hundred constitutional scholars, the majority has chosen to proceed with a bitterly partisan attempt to impeach the President. Against more than

two hundred years of constitutional and historical precedent, the majority has chosen to proceed with a bitterly partisan attempt to impeach the President. And against the overwhelming sentiment of the American people, the majority party has chosen to proceed with a bitterly partisan attempt to impeach the President.

Rightly, our founding fathers established a high standard for impeachment. Our founding fathers would view our action today as maligning their intent, and as an action that upsets the careful balance of power between the executive and legislative branches. We cannot afford to set this dangerous, misguided precedent, and irrevocably erode the standard for impeachment.

Mr. LINDER. Mr. Speaker, serious charges have been made against President Bill Clinton, and I have stated that I believe resignation would be the best course of action. Not one of us wants to be here talking about perjury, obstruction of justice and abuse of power. This House is, however, carrying out its sworn duty as the representative branch of our Government to ensure that the president does not use the great powers at his disposal to undermine justice.

For centuries, people have agreed to compacts, covenants and constitutions to form a government and be bound by its rules. We, the people of the United States, agreed as a whole to obey the laws that hold our Nation together and apply these laws to every American equally. We cannot decide to apply these laws selectively. President Clinton took an oath to faithfully defend the laws of our Nation, and no one man can be permitted to decide which laws can be broken or which lies he decides are acceptable under oath.

In this case, the one man is the President of the United States—the top law enforcement officer in America—and this president violated the laws of the United States. I am gravely distressed about the significance of his actions on our constitutional system and the functioning of our Government in the future.

The rule of law in this Nation must be equal and impartial for all Americans—rich and poor, weak and strong. We cannot allow people to think of our laws as a tool of the powerful in our society.

For those who believe that the crimes of this president do not rise to the level of impeachable offenses, I would refer them to the writings of Alexander Hamilton in the Federalist Papers. Hamilton stated that the subject of impeachment arises ''from the abuse or violation of some public trust'' and that impeachable offenses occur when this misconduct produces ''injuries done immediately to the society itself.'' In our republic, the executive cannot observe or disregard laws at his discretion, and President Clinton's disregard for the rule of law under oath undermines our society's trust in the American form of Government.

Under our sworn duty to protect the Constitution and the laws of the United States, it is our obligation to move forward with articles of impeachment against President Clinton. I believe the President committed offenses against the Constitution and the rule of law, and I will vote for the Articles of Impeachment prepared by the House Judiciary Committee.

Ms. ROS-LEHTINEN. Mr. Speaker, with a commitment to the principles of the rule of law which makes this country the beacon of hope throughout the world, I cast my vote in favor of the four counts of impeachment of the conduct of the President of the United States. As a Representative in Congress, I can do no less in fulfilling my responsibility to the Constitution and to all who have preceded me in defending the Constitution from erosions of the rule of law.

Each of the impeachment counts concerns the public conduct of the President, including allegations of lying under oath in grand jury and civil judicial proceedings, obstruction of justice, and abuse of power. The supporting evidence is clearly sufficient to warrant impeachment. The Constitution, the rule of law, and truth should be our only guides.

These allegations of lying under oath, obstruction of justice, and abuse of presidential power are not about private conduct, but instead about public conduct in our courts of law and in exercising presidential responsibilities. Public duties and public power are involved—and therefore the matters are of the greatest public concern when those public duties are violated and those public powers are abused.

Our courts of law and our legal system are the bedrock of our democracy and of our system of individual rights. Lying under oath in a legal proceeding (whether criminal or civil in nature) and obstruction of justice undermines the rights of all citizens, who must rely upon the courts to protect their rights. If lying under oath in our courts and obstruction are ignored of classified as ''minor'', then we have jeopardized the rights of everyone who seek redress in our courts. Lying under oath is an ancient crime of great weight because it shields other offenses, blocking the light of truth in human rights. It is a dagger in the heart of our legal system and our democracy; it cannot and should not be tolerated.

We know that ''a right without a remedy is not a right''. If we allow, ignore, or encourage lying and obstruction of justice in our legal system, then the rights promised in our laws are hollow. Our laws promise a remedy against sexual harassment, but if we say that ''lying about sex in court'' is acceptable or expected, then we have made our sexual harassment laws nothing more than a false promise, a fraud upon our society, upon our legal system, and upon women. Therefore, I must vote in favor of counts one, two and three of impeachment.

The greatest challenge of free peoples is to restrain abuses of governmental power. The power of the American presidency is awesome. When uncontrolled and abused, presidential power is a grave threat to our way of life, to our fundamental freedoms. Clearly improper use of executive power by the President to cover-up and obstruct investigations of his public lying in our courts cannot be tolerated. If not checked, such abuses of power serve to legitimize the use of public power for private purposes. Mankind's long struggle throughout the centuries has been to develop governmental systems which limit the exercise of public power to public purposes only. Therefore, I must, in exercising the public power entrusted to me, act to restrain the exercise of public power to public purposes alone; and I must vote in favor of count four.

In reviewing this grave matter of impeachment, we must seek guidance in first principles. These principles are all based on the recognition of the social compact under which we as citizens join together in the American Republic. Each of us has given up many individual prerogatives (use of force, private punishment, etc) in return for promises, the commitments, the elements of our social compact. The central promise or commitment of our compact is that our laws will be enforced equally with respect to all, that our civil rights and civil grievances will be fairly adjudicated in our courts, and that the powers we give up to government will be used only for governmental purposes related to the common good.

When these elements of the social compact are violated, the legitimacy of the exercise of governmental powers is brought into question and the underlying compact itself is threatened. Each member of the compact—each citizen—received the guarantee, received the promise from his or her fellow citizens, that the compact would be honored and that the laws would not be sacrificed on a piecemeal basis for temporary harmony or immediate gain of some (even in a majority) over others (even a minority). None of us are free, for any reason of convenience or immediate avoidance of difficult issues, to ignore our promises to our fellow citizens. Our social compact does not permit the breaches of these commitments to our fellow citizens, and to do so would directly deprive those citizens (whatever their voting strength or numbers) of our solemn promise of the rule of law.

All that stands between any of us and tyranny is law- the rule as contemplated in our social compact-backed up by our courts. If we trivialize the role of truth in our judicial system by simply assuming that everyone will lie, then we trivialize the role of truth in our judicial system by simply assuming that everyone will lie, then we trivialize the courts themselves, we trivialize the rule of law. In doing so, we trivialize the eternal search for justice for the weak under law, in place of exploitation of the weak under arbitrary private power of the strong. I will not be a party to such demeaning of the most fundamental struggles of humankind- and I will not be a party to the attempt to escape the consequences of his public acts by the President through such trivialization.

The Office of Presidency is due great respect, but the President, (whomever may hold the office) is a citizen with the same duty to follow the law as all of our citizens. The world marvels that our President is not above the law, and my votes will help ensure that this rule continues.

Mr. NUSSLE. Mr. Speaker, I rise today in support of the Articles of Impeachment against President William Jefferson Clinton and ask that the following statement be entered into the record outlining my reasons for supporting the Articles of Impeachment.

On the night of Wednesday, Dec. 16, 1998, the President addressed the nation to inform us of his actions and lead our country as commander in chief to the correct, if not overdue, decision that Iraq must not be allowed to continue on its dangerous path creating weapons of mass destruction.

And that same night, too many Americans wondered if the intentions behind his decision were in the best interest of the United States or in the best interests of Bill Clinton.

Let me make it perfectly clear that I am not questioning President Clinton's decision to order a military strike against Iraq. His decision may have been based on sound recommendations from the entire National Security Team. But the simple fact that we even

have to wonder whether Bill Clinton made that decision to delay the impeachment debate in the U.S. House of Representatives, is proof that he can no longer lead this nation.

When President Lyndon Johnson ordered military action in Vietnam, nobody questioned his motives. People questioned the decision itself, protested the decision—even died questioning the wisdom behind the decision; but never were the personal or political motives behind the decision questioned.

When President George Bush ordered military strikes against Iraq as part of Desert Storm, people may have debated whether or not to let sanctions work a little longer, but nobody questioned the personal or political motives behind his decision. When President Clinton ordered military strikes against Iraq last night, the first question from Iowans, Americans and people from around the world was whether or not the president was taking this action to delay the impeachment debate—had the movie ''Wag The Dog'' become reality?

This has gone beyond President Clinton's relations with an intern. This has gone beyond perjury, and beyond lying under oath before a grand jury. You can say that everybody lies about sex. But no one can say that everybody orders Americans soldiers into harms way to delay a debate on their qualifications to lead the most powerful nation in the world. Only the president faces that decision, and we must have a president whose actions and intentions involving the lives of American men and women in uniform must be beyond reproach and beyond question.

Today the ramifications of a nation dealing with a president who has committed perjury before a grand jury have become real and undeniable. We no longer have confidence in this President to make the most important decisions a commander in chief must face.

My biggest fear is going to the funeral of some young Iowa man or woman who dies in this conflict and having their mother and father come up to me and ask whether or not their son or daughter died for America or died to save Bill Clinton's presidency. I don't know what I would say to those grieving parents.

For that reason, I believe the president must resign immediately.

I am confident that a ''President'' Al Gore can complete our military mission in Iraq and command the respect and confidence of the American people.

Today, as well, I will vote in favor of all four Acticles of Impeachment as presented by the House Judiciary Committee.

Mr. GANSKE. Mr. Speaker, my vote on the impeachment of President Clinton will be the most important of my public service. The proposed impeachment of a president has occurred only twice before in our nation's history and I consider this of gravest Constitutional importance. I have made my decision only after a great deal of study, listening to the advice of my fellow citizens, and much soul searching.

Why am I releasing this statement before the Judiciary Committee votes on articles of impeachment? Because for all practical purposes the relevant information is in. The President has provided responses to the committee and his lawyer had his chance to challenge the facts of the case. My constituents deserve to know where I stand on impeachment . . . whether a vote by the House occurs or not.

This whole affair deeply saddens me. President Clinton is a man of personal charm, intellect, and empathy. I, possibly more than any other House Republican, have worked in a bipartisan manner with President Clinton. The President has shown special consideration for me on several occasions and that makes my decision doubly difficult. I hold no personal enmity toward the President, quite the contrary.

When I called on the President to resign after his scandal became public but before the sordid details came out, I did so out of concern for what the country was likely to go through. I did so also out of concern for what would be best for President Clinton and his family . . . and I shared those sentiments with President Clinton. I, too, have a daughter who has just started college and I especially sympathize with how difficult this has been for the President's daughter.

As I write this many images come to mind. I see a videotape of President Clinton hugging a starstruck young woman in a black beret and an image of the President pointing his finger at the American people saying, ''I did not have sexual relations with that woman.'' I can see the President sweating over his grant jury answer, ''It depends on what the meaning of the word 'is' is.'' Then there's the indelible visage of an angry President of the United States hairsplitting that he was ''legally accurate'' when he had just apologized to the nation for ''inappropriate behavior.''

Who will ever forget these pictures, and how sad it is that they are now part of our nation's history. Couldn't we just ignore this tawdry scandal?

I wish we could, but this tragedy moved past personal immoral behavior a long time ago.

Sometimes our public and personal lives require that we review another's actions and pass judgment. This is never easy and we only pray that we do so with fairness and justice and by the rules. In this case, the rule book is the United States Constitution, which I have taken an oath to uphold.

In my opinion, the President, should not be impeached because he's committed adultery, though this reckless behavior surely could have exposed this President of the United States to blackmail. Nor would adultery with a subordinate in the workplace, however morally reprehensible, necessarily rise to impeachable behavior. However, President Clinton's impeachment isn't about his affair per se.

I have framed my decision on two questions: Did President Clinton lie under oath, obstruct justice, tamper with witnesses and the abuse powers of his office? And if the President did these misdeeds do they rise to the level of impeachable offenses?

What are the facts? President Clinton testified under oath in the Paula Jones sexual-harassment case that he did not have sexual relations with Lewinsky. He responded ''none'' when asked by the Jones' lawyers if he'd had sexual relations with employees as President. He sat silently while his attorney told the judge ''there is absolutely no sex of any kind in any manner, shape or form'' between Clinton and Lewinsky.

President Clinton was questioned by his own counsel during this deposition:

BENNETT: In [Lewinsky's] affidavit, she says this: ''I have never had a sexual relationship with the President . . .'' Is that a true and accurate statement as far as you can see it?

CLINTON: That is absolutely true.

Seven months later in testimony before the grand jury, Clinton said the truth of such denials depends on what the meaning of ''is'' is?

I watched Judge Starr's testimony before the Judiciary Committee. I found it credible. For me, the evidence is overwhelming that President Clinton lied repeatedly under oath.

There is also credible evidence that he tampered with witnesses and conspired with others to obstruct justice. After learning that Lewinsky was on the witness list for the Jones case, the President suggested to Ms. Lewinsky that she could submit an affidavit to avoid testifying. This she did, Vernon Jordan got a job for her, and Jordan called the President to report, ''Mission accomplished.''

The President's lies were about much more than ''personal privacy.'' Ms. Lewinsky was material witness in a sexual-harassment suit against the President. Her false affidavit served to keep her from testifying and allowed the President to deny sex in his deposition. The absence of her testimony and of evidence concerning the efforts made to secure her a job was harmful to Ms. Jones' case.

As Independent Counsel Starr said, ''Sexual harassment cases are often 'he-said-she-said' disputes. Evidence reflecting the behavior of both parties can be critical—including the defendant's relationships with other employees in the workplace.''

President Clinton also used a federal employee, Betty Currie, to arrange meetings with Ms. Lewinsky and used Mrs. Currie to retrieve subpoenaed gifts from Lewinsky that the President had given her. The President coached Currie, suggesting to her that she had always been present when Lewinsky and Clinton were together. President Clinton then denied his affair to Cabinet officials and had them repeat denials to the press. He misrepresented the truth to aides, causing them to repeat the deceptions to the grand jury.

Who would doubt that the President and his defenders now would be dismissing Monica Lewinsky as a liar were it not for one unassailable fact . . . DNA testing proves that the President's semen was on her dress!

And that is why not a single one of President Clinton's defenders during the committee hearing with Starr attempted to discredit the facts of the case against President Clinton's perjury and obstruction of justice. No one—not the President's attorney David Kendall, not Democratic counsel Abbe Lowell, not the Democratic members of the committee . . . not one of them disputed these facts.

DOES ANYONE DOUBT THAT THE PRESIDENT DID IT AND THEN LIED ABOUT IT UNDER OATH!

This brings us to the second question: Do these misdeeds rise to the level of impeachment? the Constitution provides for impeachment of the President of the United States of ''treason, bribery, and other high crimes and misdemeanors.'' It is clear that the Framers didn't intend to authorize Congress to impeach presidents over policy or personal differences. But ''high crimes and misdemeanors'' encompassed a broad range of misconduct in their eyes.

Alexander Hamilton in Federalist 65 wrote that impeachment would deal with ''those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done immediately to the society itself.''

In 1974 the Watergate impeachment staff analysis concluded that serious crimes rooted in private conduct are grounds for impeachment: the precedents after 1787 support impeachment for ''behaving in a manner grossly incompatible with the proper functioning and purpose of the office.''

Professor Michael Gerhardt, in his book, The Federalist Impeachment Process, said that even crimes ''plainly . . . unrelated to the responsibilities of a particular office'' are impeachable if the show ''serious lack of judgment or disdain for the law'' and thus lower ''respect for the office.''

As Stuart Taylor has written in the National Journal, ''Before President Clinton got caught no Constitution expert had ever suggested that it would be wrong to impeach a president for crimes such as lying under oath (even about sex), suborning perjury, or obstructing both a civil rights lawsuit and a criminal investigation.'' Indeed, there is precedent for impeachment precisely on the grounds of perjury. In 1989 Congress impeached and removed Judge Walter Nixon for perjury.

Are we to assume that Congress can remove a judge fro perjury, but not a president?

Clinton defenders say, ''No one gets prosecuted for perjury.'' Tell that to the more than one hundred people that The New York Times has documented as serving time in federal prison recently for perjury. Others say that the President's lies were ''only about sex,'' and therefore aren't serious. Tell that to Pam Parsons and her 17-year-old lover who both committee perjury in a libel suit against Sports Illustrated. both were sentenced to three years in prison and served time.

Or how about the case of Dr. Jeffrey Goltz, a medical expert witness? He lied under oath about his education and credentials. In 1996 he got caught and pleaded guilty to perjury. He had to sell his medical practice and was sentenced to 18 months in prison.

Or consider David Wayne Holland who lied under oath in a private civil rights lawsuit. A federal appeals court imposed a heavier sentence than the civil court judge saying, ''Perjury, regardless of the setting, is a serious offense that results in incalculable harm to the functioning of the legal system as well as to private individuals.''

Other Clinton defenders argue that even though Clinton lied repeatedly under oath on January 17, that he did not ''technically'' commit perjury because the Lewinsky evidence was not ''material'' to the Paula Jones lawsuit. But contrary to some news reports, Judge Wright did not hold the Lewinsky evidence to be immaterial. She ruled that it ''might be relevant'' but was ''not essential to the core issues in the case.'' (Judge Wright's ruling was in such danger of being overturned that the President was willing to pay $850,000 to settle the case!) Furthermore, there are precedents that hold that lying under oath in a civil deposition can be material even if the testimony is later excluded or the case is dismissed.

Jonathon Turley, Professor of Law of George Washington University Law School, has written, ''. . . And perjury committed by a president may be one of the most serious forms of criminal conduct since it is the crime that shields all other criminal acts from the public . . . by any reasonable measure, perjury and obstruction of justice clearly fall within 'high crimes and misdemeanors.' ''

To return to Hamilton's statement, I can think of several ways in which the President's perjury injures society. If President Clinton escapes impeachment, if an elected official can commit felony crimes (perjury and obstruction of justice) what does this say about our country's commitment to equal justice under the law? If a Pam Parsons, a David Holland, a Jeffrey Goltz can spend time in prison for perjury, what does it do to society to see ''little'' people spend time in prison for breaking the law and ''big'' people let off? If the President walks, cynicism reigns.

Rear Admiral John T. Scudi has just been charged with two counts of adultery, giving false official statements, obstruction of justice and an ethics violation. The Navy has filed criminal charges against him. However, because of Constitutional immunity for the president, the only real remedy for presidential crimes is impeachment and removal. And if a boss such as Clinton can lie under oath about sex with a subordinate in sexual harassment suit and then escape punishment, the victims of sexual harassment will be the losers.

Maybe all this is why James Madison said in Federalist 57 that one of our Constitutional bulwarks against tyranny is that our rulers ''can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society.''

Some would have Congress ''censure'' the President. I agree with Thomas Baker, the Director of the Constitutional Law Resource Center at Drake University Law School who has written, ''. . . the House power to impeach and the Senate power to try the president are exclusive powers, and the sanctions of removal and disqualification from office are the only punishments possible . . . the problem with a censure is that it would not be constitutional.'' Senator Robert Byrd, in his masterly history of the Senate, agrees that censure is unconstitutional.

I would go further. The idea that Congress should simply apply a ''wrist-slap'' censure is another effort to put the President above the law. As Justice Brandeis has written, ''For good or ill, [our government] teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for the law.''

The Constitution stipulates that the House should function as a grand jury. Article of impeachment function in the same way as counts to an indictment. The House does not determine guilt or impose a penalty but simply defines the articles of impeachment for a trial on the merits in the Senate. The President's popularity or accomplishments are not pertinent to the House's function. Only after guilt is established is a defendant allowed to present arguments to mitigate punishment. That is for the Senate to decide.

Were I on the Judiciary Committee, I would vote for articles of impeachment because I would see this as my duty. If articles of impeachment on perjury or obstruction of justice, or both, come to Congress for a vote, I will vote ''Yes.'' Even if I suffer politically for this vote, my conscience is clear.

Mr. RICE. Mr. Speaker, I rise today to fulfill my constitutional duty to address the impeachment of President William Jefferson Clinton. For many months, I made a concerned effort to avoid reaching an unsubstantiated decision regarding the conduct of President Clinton. I refrained from judging the President's guilt or innocence until I had an opportunity to review all the facts. During this time, I listened to the President's supporters. I listed to his attorneys, I listened to the White House staff and I examined all the testimony and evidence put forth by the House Judiciary Committee. I also met with and heard from many constituents regarding their thoughts and opinions about the actions and conduct of the President. Upon reviewing all the evidence and testimony before the House Judiciary Committee it is my sincere belief that substantial and credible evidence exits that the President committed high crimes and misdemeanors.

We can not allow the actions of the President to go unpunished; this would breed contempt for the law. Willfully and knowingly lying, after swearing before God and country to tell the truth, the whole truth and nothing but the truth, is a very serious offense for anyone. The President does not have any great rights that any other citizen of this country when it comes to the rule of law and preservation of justice. The United States system of law and order requires one standard for all and is dependent upon truth while under oath. When a person testifies in court to tell the truth, the whole truth and nothing but the truth, there is no exception to that oath. It applies to all matters, whether they be personal, embrassing or considered a ''little thing.'' President Clinton's willful lies under oath before a federal judge and grand jury are a direct assault on our nation's democracy. This undermines our legal process and is a violation of the Presidential Oath of Office.

The evidence demonstrates that the President has sustained a pattern of perjury, obstruction of justice, and abuse of power. In December 1997, the President willfully and knowingly lied under oath in his written answers to a federal court. In January 1998, the President willfully and knowingly lied under oath repeatedly in the Paula Fones deposition. Then he willfully and knowingly used his Office to influence witnesses and obstruct justice in the Jones' lawsuit. In August 1998 he willfully and knowingly lied to a federal grand jury, and he willfully and knowingly lied when he purported to answer the 81 questions posed to him by the House Judiciary Committee.

President Clinton is said by many who know him best to have a phenomenal memory. His friend, Vernon Jordon, said the President has ''an extraordinary memory, one of the greatest memories'' he has ever seen in a politician. However, in more than four hours of videotaped testimony before a federal grand jury, the President testified, under oath, on more than 100 occasions that he could not remember details involving his relationship with Ms. Lewinsky. When a person testifies, under oath, that he does not remember something, when in fact he does, he has lied under oath. During this one year period, President Clinton had innumerable opportunities to tell the truth, yet he continued to willfully and knowingly put his own self interest before that of justice and the good of the nation. To this day, he has yet to acknowledge that he committed a crime or show remorse for his actions. We can not allow the actions of the President to teach contempt for the law of our nation. Our legal system, which protects the rights and liberties of all citizens, is dependent on people telling the truth while under oath.

U.S. Supreme Court Justice Brandeis, in Olmstead vs. United States, so eloquently

states what I believe to be a beacon of light guiding us through this impeachment inquiry. He states:

> . . . decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen . . . Our government is the potent, omnipresent, teacher. For good or ill it teaches the whole people by its example. Crime is contagious. If government becomes a lawbreaker, it breeds contempt for the law.

Article II, Section 3 of the Constitution states the President ''shall take Care that the Laws be faithfully executed.'' It is my firm belief that substantial and credible information exists that the President committed acts that constitute grounds for impeachment. These actions constitute ''high crimes and misdemeanors'' as enumerated in Article II, Section 4 of the Constitution.

The President, as our chief law enforcement officer, undermines the integrity of our judicial system and threatens the rights and liberties of every one of us when he lies under oath. No citizen has the right to pick and choose what laws he or she may abide by, just because it may be embarrassing or inconvenient. We are a government of laws, not men. The President willfully and knowingly lied under oath, over and over and over again. That is a direct threat to our nation's system of justice and law and order. Mr. Speaker, it is for the love of our nation and the duty to uphold the Constitution I have sworn to protect that I will support all four Articles of Impeachment against President Clinton.

The SPEAKER pro tempore (Mr. LAHOOD). Under the previous order of the House entered earlier today, this concludes debate on House Resolution 611 until tomorrow.