

stood and watched in horror rioters looted and destroyed Chinese businesses. Authorities arrested and even killed students, and assailants brutally raped and murdered Chinese women and girls.

Reports suggest that groups of unknown assailants would descend on a community, enter businesses, demand money, rape women who were present, often while uttering anti Chinese rhetoric and loot and sometimes burn the businesses. Horrifying testimonies of rapes of girls, young women and older women revealed what some believe to be a calculated attempt to humiliate and terrorize the population into becoming followers of the government and military.

The actions of the rapists and looters are cowardly, should be internationally condemned. In addition, although the Indonesia government has acknowledged that the rapes occurred, it must engage in a thorough investigation. They must be held accountable before the world community for the riots and mass rapes and bring to justice those who are responsible for these terrible atrocities.

This summer I cohosted a Congressional Human Rights Caucus briefing on human rights abuses in Indonesia. The courageous panel of witnesses put their own lives in danger by sharing their stories and experiences in Indonesia. Father Sandyawan, the leader of the team that testified is now on the run. His offices, his house, have been ransacked, his assistants have been harassed, and his wife has been threatened.

Unfortunately reports reflect that the minority Chinese ethnic and religious population has been the target of most of the riot activity. This reflects a terrible violation of human rights and raises the possibility that there could be an increase in human rights abuses and a limit to basic freedoms for the general Indonesian population as a whole.

It is an understatement to say that the economic and political situation in Indonesia has been highly unstable in these past 8 or 9 months. Indonesians have lost their life savings, they have struggled to get food for their families, they live in fear of losing their lives in the riots which occurred.

Reports suggest that the ethnic Chinese only leave their homes to go to and from work. Otherwise they stay hidden.

Despite the change in the leadership of Indonesia's government on May 21, the rapes and other human rights abuses continue. In the midst of this turmoil and even before the current chaos began another group has suffered and continues to suffer as victims of violence and arson. The Indonesian Christian population has borne tremendous difficulty as government troops have closed churches and places of worship. Further, angry mobs have ransacked and destroyed their churches.

Since independence in 1945, and especially since the inception of the

Suharto regime in 1966, reports reveal that mobs have burned or otherwise destroyed 483 churches, and 228 of those churches were destroyed after January 1996. Attackers destroyed the churches with Molotov bombs, fires and mob action.

I have besides me photographs which show the devastating effects of the attacks on the churches. In addition, there is a photo of a young woman who was burned to death in East Java while in her church. Unfortunately, although the new president of Indonesia promised change, churches continue to fall under attack. Fifteen churches have been destroyed during the four months since President Habibie assumed power.

Let me show you these photographs. The top photograph is of a Catholic church in West Java while it is burning. The bottom photograph is another church in South Kalimantan. The top photograph here is this same Catholic church after it has been burned. The congregation is sitting in the shell continuing to worship, but with no roof top. Here is another Indonesian Christian church that has been burned and ransacked. Here is a Protestant church in South Kalimantan, and here is remains of the lady who was burned in that church.

Indonesia is a member of the United Nations, but it is not party to any of the U.N. agreements which protect basic human rights such as freedom of religion.

Mr. Speaker, the human rights violations in Indonesia must stop, and the world community demands that they investigate and pursue justice.

A news article from June 18 states that "Indonesia's politics is becoming more Islamic."

Although there are numerous moderate Muslims in Indonesia who would protect the right of their Christian brothers and sisters to worship and share their faith freely, there are extremists who appear intent on securing power and ruling according to Shari'a (pronounced Shar-ee-aa) law.

Recent laws have been passed which restrict freedom of speech and conversion to another religion; restrict licensing for building places of worship; restrict Muslims from marrying non-Muslims; and restrict the religious education of private schools. In addition, the government must approve of religions—certain religions are illegal in Indonesia.

There are a few other nations of the world which have extremist governments, who do not respect freedom of belief for Christians, animists, or other non-Muslim religions.

And reports from Christians in Indonesia show their fear of being ruled by extremists.

As the world works to help Indonesia recover economically, it is vital that those solutions also address underlying issues in the culture, such as ethnic and religious prejudices, and the ensuing restrictions on fundamental human rights.

The government of Indonesia should thoroughly investigate the mass rapes of Chinese women as well as the destruction of churches and bring those responsible for these organized terrorist attacks to justice.

The world community of civilized nations demands no less.

## SHOULD PRESIDENT CLINTON BE IMPEACHED?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Ms. FURSE) is recognized for 5 minutes.

Ms. FURSE. Mr. Speaker, we have, all of us, heard the salacious and speculative words being thrown around by the press and by partisans posturing both in this House and across the country, but this is too important, far too important. This is a crisis to our constitutional government, it seems to me, and therefore I believe it is important to hear from real experts.

Mr. Speaker, I am going to quote and read from a letter 13 constitutional scholars with no political ax to grind sent to the Speaker of the House. This is signed by 13 professors of law, and I am going to read this letter.

Dear Mr. Speaker,

Did President Clinton commit high crimes and misdemeanors for which he may be properly impeached? We, the undersigned professors of law, believe that the misconduct alleged in the independent counsel's report does not cross that threshold. We write neither as Democrats nor as Republicans. Some of us believe 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 of which we all agree, that the independent counsel's report does not make a case for presidential impeachment. No existing judicial precedent binds congress' 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 merely for conduct of which they disapproved. 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 he considers contrary to the Nation's interest.

They go on to say some of the charges laid out in the independent counsel's report fall so far short of the high standard that they strain good sense. For example, the charge that the President repeatedly declined to testify voluntarily or press a debatable privilege claim that was later judicially objected. These offenses are not remotely impeachable. With respect, however, to other allegations, the report requires careful consideration of the kind of misconduct that renders a President constitutionally unfit to stay in office.

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 power, converting those awful powers into an instrument either of enemies' interest or purely personal gain.

We believe that the critical distinctive feature of treason and bribery is

grossly derelict exercise of official power. Nonindictable conduct may 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. The misconduct for which the President is accused does not involve the derelict exercise of executive powers. Most of this conduct does not involve the exercise of executive powers at all. If the President committed perjury regarding his sexual conduct, this perjury involves no exercise of presidential power as such. If he concealed evidence, this misdeed too involved no exercise of executive authority.

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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 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.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). All Members are reminded to refrain from personal references towards the President of the United States.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware (Mr. CASTLE) is recognized for 5 minutes.

(Mr. CASTLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### EXCHANGE OF SPECIAL ORDER TIME

Ms. HOOLEY of Oregon. Mr. Speaker, I ask unanimous consent to claim the time allotted to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

#### SHOULD PRESIDENT CLINTON BE IMPEACHED?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, I yield to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, the letter goes on to say:

"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 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. Thus Congress might responsibly determine that a President who had committed murder must be in prison, not in office. 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 demand immediate removal of a President from office because of their unspeakable heinousness, the offenses alleged against the President in the Independent Counsel's referral 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.

Mr. Speaker, I include the following letter for the record:

OCTOBER 2, 1998.

Hon. NEWT GINGRICH,  
Speaker, U.S. House of Representatives.

DEAR MR. SPEAKER: Did President Clinton commit "high Crimes and Misdemeanors" for which he may properly be impeached? We, the undersigned professors of law, believe that the misconduct alleged in the Independent Counsel's report 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 Independent Counsel's report does not make a case for presidential impeachment.

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 merely for conduct of which they disapproved.

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 laid out in the Independent Counsel's report 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. These "offenses" are not remotely impeachable. With respect, however, to other allegations, the report requires careful consideration of 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, instead of treason and bribery, different offenses had been specified. The clause does not read, "Arson, Larceny, or other high Crimes and Misdemeanors," implying that any significant crime might be an impeachable offense. Nor does it read, "misleading the People, Breach of Campaign Promises, or other high Crimes and Misdemeanors," implying that any serious violation of public confidence might 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). Nonindictable 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.

The misconduct of which the President is accused does not involve the derelict exercise of executive powers. Most of this misconduct 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