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 if the underlying offense were adultery, calling the President to testify could not create an offense justifying impeachment where there was none before.

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.

Sincerely,

Jed Rubenfeld, Professor of Law, Yale University.

Bruce Ackerman, Sterling Professor of Law and Political Science, Yale University.

Akhil Reed Amar, Southmayd Professor of Law, Yale University.

Susan Bloch, Professor of Law, Georgetown University Law Center.

Paul D. Carrington, Harry R. Chadwick Sr. Professor of Law, Duke University School of Law.

John Hart Ely, Richard A. Hausler Professor of Law, University of Miami School of Law.

Susan Estrich, Robert Kingsley Professor of Law and Political Science, University of Southern California.

John E. Nowak, David C. Baum Professor of Law, University of Illinois College of Law.

Judith Resnik, Arthur L. Liman Professor, Yale Law School.

Christopher Schroeder, Professor of Law, Duke University School of Law.

Suzanne Sherry, Earl R. Larson Professor of Law, University of Minnesota law School.

Geoffrey R. Stone, Harry Kalven, Jr. Dist. Serv. Professor & Provost, University of Chicago Law School.

Laurence H. Tribe, Tyler Professor of Constitution Law, Harvard University Law School.

Note: Institutional affiliations for purposes of identification only.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Again the Chair would remind all Members to refrain from personal references toward the President of the United States, including references to various types of unethical behavior.

$80 BILLION TAX CUT SHOULD NOT BE VETOED

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

Mr. FOSSELLA. Mr. Speaker, I rise today to speak for the millions of American taxpayers, the millions of American taxpayers who believe that they are overtaxed, millions of American taxpayers who go to work every single day, like so many that I represent on Staten Island and in Brooklyn who feel that they send too much of their hard-earned money to Washington and do not see enough of it back home where it belongs.

A couple of weeks ago, this House narrowly passed a tax relief bill to the tune of $80 billion for the American people, specifically targeted to help senior citizens, married couples, and small business owners and farmers.

The reality is, as we stand here today, it stands under the threat of a White House veto. In other words, what we have been fighting for for the last year to bring much needed tax relief to the American people, with the stroke of a pen, will be rejected by the White House.

I think I speak for most of the American people who believe that they pay too much in taxes. When we talk about pittance and sending some of that money back home to Staten Island or Brooklyn or anywhere else across this country, I do not think these folks are asking too much.

We are talking about taking money out of a surplus. Well, let us be real. Where does this surplus come from? It does not fall out of the trees here in Washington. It is generated from the hard-working Americans who go to work every single day, some of whom work 6 and 7 days a week, some of whom are struggling to pay their mortgage or make their car payments or pay a college tuition.

I think the notion comes down to a very fundamental difference between those who want to stand in the way of growth and stand in the way of opportunity and stand in the way of allowing the Americans the freedom to spend their money as they see fit and compare and contrast that to those who just want to keep that tax burden as high as possible to keep the Federal Government growing larger and larger and to allow the bureaucrats and the politicians in Washington to make the choices for the American people that the American people should be making for themselves and their family.

The battle is very clear. The battle is over the size of government. Advocates of the bigger government here want the tax burden to remain high so they can use these excess revenues to create new programs and expand existing ones. That is the facts. It is the conventional common sense of the ordinary American that seems to get lost in the cloud of rhetoric here in Washington.

I look forward every time I can split this town and go back home to Staten Island where I live and where my family is, where the real people are, those people who get up at sunup and work till sometimes 8 or 9 o'clock at night, some of whom work Monday and Tuesday of a 5-day week just to send their money here to Washington. I ask them, do they think they get the money that they deserve that they pay in taxes?

All we are asking for is an $80 billion tax cut, something that they earned for themselves. We believe, at least I believe, that we need a pro growth tax policy, one that will cut marginal income rates to provide incentives to the American people to go out and work and to get to keep more of their hard-earned money, not this typical defending big government, defending big bureaucracy, defending everything that Washington stands for that is bad, as far as I am concerned, and instead sending the money back to create opportunities back in Staten Island and Brooklyn.

If the American people back home want that money to save, if they want it to invest, if they want it to build their local churches or civic organizations and keep that money close to home, then I say let us draw the line in the sand.

Let us send that money back home, stand with the Republican majority here that really had to fight tooth and nail when we listen to that debate to pass that tax bill, and send the message to the White House once and for all that the American people deserve to keep their hard-earned money.

Let us look forward next year, this is a small step, next year come back here and try to reduce the tax burden even more, create a policy where we can reduce those marginal rates again to provide incentives to people to work and to keep more of that money. That is a very simple message, a very simple message that somehow gets lost every time we come around here in the Beltway.

But I think that when I go back home and I talk to the small business owner who is looking for 100 percent deductibility for his health insurance where now it is 40 percent, if I talk to that married couple who is paying a penalty, a penalty for being married, it is ridiculous. Mr. Speaker, let us bring much needed tax relief to the American people.