

grader from Chicago wrote to me: "If you can't believe the president, who can you believe?"

Speaking of young people, in 1946 a British playwright, Terence Rattigan wrote a play based on a true experience that happened in England in 1910. The play was called "The Winslow Boy." And the story, a true story, involved a young 13-year-old lad who was kicked out of the Royal Naval College for having forged somebody else's signature on a postal money order.

Of course, he claimed he was innocent, but he was summarily dismissed and his family of very modest means couldn't afford legal counsel, and it was a very desperate situation. Sir Edward Carson, the best lawyer of his time—barrister I suppose—got interested in the case and took it on pro bono, and lost all the way through the courts.

Finally, he had no other place to go, but he dug up an ancient remedy in England called "petition of right." You ask the king for relief. And so Carson wrote out five pages of reasons why a petition of right should be granted. And lo and behold, it got past the attorney general and got to the king. The king read it, agreed with it, and wrote across the front of the petition: "Let right be done—Edward VII."

And I have always been moved by that phrase. I saw the movie, I saw the play, and I have the book, and I am still moved by that phrase "let right be done." I hope when you finally vote that will move you, too.

There are some interesting parallels to our cause here today. This Senate chamber is our version of the House of Lords, and while we managers cannot claim to represent that 13-year-old Winslow boy, we speak for a lot of young people who look to us to set an example.

Ms. Seligman last Saturday said we want to win too badly. This surprised me, because none of the managers has committed perjury, nor obstructed justice, nor claimed false privileges. None has hidden evidence under anyone's bed, nor encouraged false testimony before the grand jury. That's what you do if you want to win too badly.

I believe it was Saul Bellow who once said, "A great deal of intelligence can be invested in ignorance when the need for illusion is great." And those words characterize the defense in this case—the need for illusion is great.

I doubt there are many people on the planet who doubt the president has repeatedly lied under oath and has obstructed justice. The defense spent a lot of time picking lint. There is a saying in equity, I believe, that equity will not stoop to pick up pins. But that was their case. So the real issue doesn't concern the facts, the stubborn facts, as the defense is fond of saying, but what to do about them.

I am still dumbfounded about the drafts of the censures that are circulating. We aren't half as tough on the president in our impeachment articles as this draft is that was printed in the New York Times. "An inappropriate relationship with a subordinate employee in the White House which was shameless, reckless and indefensible."

I have a problem with that. It seems they're talking about private acts of consensual sexual misconduct, which are really none of our business. But that's the lead-off.

Then they say the president "deliberately misled and deceived the American people and officials in all branches of the United States government." This is not a Republican document. This is coming from here.

"The president gave false or misleading testimony and impeded discovery of evidence in judicial proceedings." Isn't that another way of saying obstruction of justice and perjury? "The president's conduct demeans the office of the president as well as the president himself, and creates disrespect for the laws of the land."

Future generations of Americans must know that such behavior is not only unacceptable, but bears grave consequences, including loss of integrity, trust, and respect—but not loss of job.

"Whereas William Jefferson Clinton's conduct has brought shame and dishonor to himself and to the office of the president; whereas he has violated the trust of the American people (see Hamilton Federalist Number 65), and he should be condemned in the strongest terms." Well, the next-to-the-strongest terms—the strongest terms would remove him from office.

Well, do you really cleanse the office as provided in the Constitution? Or do you use the air-wick of a censure resolution? Because any censure resolution, to be meaningful, has to punish the president—if only his reputation. And how do you deal with the laws of bill of attainder? How do you deal with the separation of powers? What kind of a precedent are you setting?

We all claim to revere the Constitution, but a censure is something that is a device, a way of avoiding the harsh Constitutional option, and it's the only one you have, either up or down on impeachment.

That, of course, is your judgment, and I am offering my views for what they're worth. Once in a while I do worry about the future. I wonder if after this culture war is over that we're engaged in, if an America will survive that's worth fighting to defend. People won't risk their lives for the UN or over the Dow Jones averages, but I wonder in future generations whether there'll be enough vitality left in duty, honor and country to excite our children and grandchildren to defend America.

There's no denying the fact what you decide, will have a profound effect on our culture as well as on our politics. A failure to convict will make a statement that lying under oath, while unpleasant and to be avoided is not all that serious. Perhaps we can explain this to those currently in prison for perjury.

We have reduced lying under oath to a breach of etiquette, but only if you are the president. Whenever and whenever you avert your eyes from a wrong, from an injustice, you become a part of the problem. On the subject of civil rights, it's my belief this issue doesn't belong to anyone. It belongs to everyone. It certainly belongs to those who have suffered invidious discrimination and one would have to be catatonic not to know that the struggle to keep alive equal protection of the law never ends.

The mortal enemy of equal justice is the double standard and if we permit a double standard, even for the president, we do no favor to the cause of human rights. It's been said that America has nothing to fear from this president on the subject of civil rights.

I doubt Paula Jones would subscribe to that endorsement. If you agree that perjury and obstruction of justice have been committed, and yet you vote down the conviction, you're expanding and expanding the boundaries of permissible presidential conduct. You're saying a perjurer and an obstructor of justice can be president in the face of no less

than three precedents for conviction of federal judges for perjury. You shred those precedents and you raise the most serious questions of whether the president is in fact subject to the law, or whether we are beginning a restoration of the divine rights of kings.

The issues we're concerned with have consequences far into the future, because the real damage is not to the individuals involved, but to the American system of justice and especially the principle that no one is above the law.

Edward Gibbon wrote his magisterial "Decline and Fall of the Roman Empire" in the late 18th century. In fact, the first volume was published in 1776. In his work, he discusses an emperor named Septimus Severus who died in 211 A.D. after ruling 18 years. And here's what Gibbon wrote about the emperor: "Severus promised only to betray; he flattered only to ruin: and however he might occasionally bind himself by oaths and treaties, his conscience, obsequious to his interest, always released him from the inconvenient obligation."

I guess those who believe history repeats itself are really onto something. Horace Mann said: "You should be ashamed to die unless you have achieved some victory for humanity." To the House managers, I say your devotion to duty and the Constitution has set an example that is a victory for humanity. Charles de Gaulle once said France would not be true to herself if she wasn't engaged in some great enterprise. That's true of us all. We spend our short lives as consumers, space occupiers, clock watchers, spectators—or in the service of some great enterprise.

I believe being a Senator, being a congressman, and struggling with all our might for equal justice for all is a great enterprise. It's our great enterprise. And to my House managers, your great enterprise was not to speak truth to power, but to shout it.

And now let us all take our place in history on the side of honor, and oh yes, let right be done.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 20 (H.R. 391), I was unavoidably detained. Had I been present, I would have voted "nay."

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HON. CAROLYN B. MALONEY

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IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 21 (H.R. 437), I was unavoidably detained. Had I been present, I would have voted "yea."