personal qualities of drive, decisiveness, intelligence, common sense, persistence, and good humor were evident to all who came in contact with her. It was easy to have confidence in Linda; she always knew what to do. Her manifest talents invariably led her to be entrusted with positions of responsibility. She contributed much in the time given to her. She will be greatly missed.

FOOD AND MEDICINE FOR THE WORLD ACT

Mr. BROWNBACK. Mr. President, I am pleased to join my distinguished colleagues, Senators ASHCROFT, BAUCUS, and KERREY, in authoring the Food and Medicine for the World Act of 1999, which would limit the ability of the U.S. government to unilaterally cut off our exports of food and medicine to foreign countries.

The current stressed state of the farm economy is simply highlighting a problem that has existed in U.S. foreign policy for years. That is, our law allows for the application of unilateral sanctions on the export of food, despite extensive evidence that this policy is not only ineffective in achieving U.S. foreign policy goals but also is harmful to American economic interests. This is especially the case for agricultural commodities, which are readily available from other suppliers around the world and which are a critical component of the U.S. export portfolio. Moreover, limiting access to food and medical products is likely to have the most devastating effect on not the governments that the U.S. seeks to punish, but rather the poorest citizens of the foreign country. Thus it makes sense for the U.S. to engage with the citizens of that country by supplying—either through aid programs or through trade—basic life-sustaining products.

This bill takes a moderate approach and prohibits sanctioning of food and medical products only. It also provides a safeguard by allowing the prohibition to be waived if the President submits a report to Congress asking that the sanction include agriculture and medicine and Congress approves, through an expedited process, his request to sanction. Therefore, there is a mechanism to prohibit aid or trade from occurring with a rogue foreign regime when there is broad national consensus that it is the right thing to do. I believe that this is a reasonable balance between our need so stop using ineffective agricultural sanctions and our need to continue protecting U.S. foreign policy interests.

It is high time we stop shooting ourselves in the foot by cutting off agricultural exports, which are a real building block of the U.S. economy. I am encouraged that many members of the Senate have focused their attention on this problem and I look forward to working with my colleagues on a bipartisan basis to enact needed reforms.

PRESIDENT CLINTON SHOULD FEEL THE DISDAIN OF THE SENATE

Mr. CHAFEE. Mr. President, the Senate has been held in the grip of the impeachment trial for the past six weeks. The House has been involved in the impeachment process for the past six months, and the Nation has been divided over the actions and fate of the President for more than a year. We were not compelled to undertake this nearly unprecedented Constitutional remedy by partisanship, as some at the White House have suggested. We were driven to this point by Bill Clinton and Bill Clinton alone.

Although I voted to acquit the President on the charges, I have no doubt that if I served in the House, I would have voted to impeach him.

Chairman HYDE offered the White House every opportunity to defend the President, but the White House chose a different course. They chose to belittle the charges against the President by suggesting that everyone lies about sex. They chose to accuse their accusers by attacking the motives and integrity of the Judiciary Committee Republicans and by insinuating that Judge Starr is a sex-obsessed prosecutor run amok. They did not question the evidence on which the impeachment vote was based.

With that evidence, the House Managers presented a powerful case against the President. As a result of their presentations, I am convinced that the President acted to circumvent the law. The notion that the President of the United States, the number one citizen of our nation, the man in whom the trust and respect of the country is meant to rest would deliberately maneuver around the laws of the land is reprehensible and should be condemned.

Alexander Hamilton, in *Federalist Papers* No. 65, said:

> The delicacy and magnitude of a trust, which so deeply concerns the political reputation and resistance of every man engaged in the administration of public affairs, speak for themselves.

President Clinton betrayed that delicate trust. The House Managers tried to restore it. In the end, the witnesses, all of whom were sympathetic to or allies of the President, provided direct evidence that failed to corroborate the House Managers' case. Removing the President from office in the face of a conflict between direct and circumstantial evidence, in my view, would be mistaken. On that basis, I voted to acquit the President. Nevertheless, the House Managers and all of the evidence left me convinced that the President acted in a way that is abominable. By voting for the censure resolution proposed by Senator FEINSTEIN, the Senate makes clear that it does not exonerate the President.

DEPOSITION PROCEDURES IN THE SENATE IMPEACHMENT TRIAL

Mr. LEAHY. Mr. President, no matter how each of us viewed the evidence in this case and no matter how each of us voted, we all share common relief that the impeachment trial of William Jefferson Clinton is concluding. In many respects, this was uncharted territory for us. We all felt the weight of history and precedent as we made our decisions on how to proceed.

With this in mind, the procedures developed and followed for the three depositions taken during the course of this trial should be made a part of the record of this impeachment trial. Unfortunately, the complete depositions were not introduced into evidence and made a part of the Senate trial record until after the vote on the Articles themselves. Instead, at the request of the House Managers, the only parts introduced into evidence before then were those ''from the point that each witness is sworn to testify under oath to the end of any direct response to the last question posed by a party.'' (Cong. Rec., Jan. 4, 1999, p. S1209).

I served as one of the six Presiding Officers at the depositions and attended all of them. In particular, I wish to thank Senators DODD and EDWARDS for serving with me, and Senator DEWINE with whom I jointly presided.

The decisions made during those depositions may provide guidance in the future should any other Senate be confronted with challenges similar to those that we have confronted. For that reason, I have described below the manner in which we reached our decisions and summarize the issues we resolved both before and during the depositions of Monica S. Lewinsky, Vernon Jordan, and Sidney Blumenthal.

I thank Thomas Griffith, Morgan Frankel and Chris Bryant in the Senate Legal Counsel's office for their assistance during the depositions and in preparing this summary of the rules and procedures.

I ask unanimous consent that this summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF RULINGS AND PROCEDURES OF THE PRESIDING OFFICERS DURING DEPOSITIONS IN SENATE IMPEACHMENT TRIAL

A. THE PROCEDURES

Selection. An equal number of Presiding Officers from each party were selected by the Minority and Majority Leaders.

Presiding. One Presiding Officer from each party presided jointly over each deposition at all times. The Presiding Officers rotated from deposition to deposition and the Democratic Presiding Officers chose to rotate during the deposition of Ms. Lewinsky, with Senator Leahy presiding over the first part and Senator Edwards presiding over the latter part of that deposition.

Attendance. All Presiding Officers were permitted to attend each deposition in order to provide continuity in the proceedings and ensure familiarity with both substantive and procedural decisions made in each deposition.

Consultation. All Presiding Officers present, whether or not actually presiding over a specific deposition, were invited to and did participate in discussions among Presiding Officers about certain rulings.

Opening Script. The first Presiding Officer to speak was from the majority party. He used an opening script that summarized Senate Resolution 30 authorizing the depositions and set forth the ground rules for the timing of lunch and other breaks, the overall time allotted for the deposition, the scope of the examination, basic guidelines for objections, an explanation of the confidentiality requirements, and the oath required to be administered to the witness. (Lewinsky Depo. Tr., pp. 5–8). Senator DeWine reiterated the confidentiality requirement at the close of the Lewinsky deposition. (Id., p. 174, ln. 10—p. 175, ln. 7).

Senator Leahy made an opening statement at the Lewinsky deposition to advise the witness of her rights, including that she could correct the transcript, was free to consult with her attorneys, and notified her of the criminal liability she risked if she failed to tell the truth. (Lewinsky Depo. Tr., pp. 9–11).

Senator Dodd stressed the confidentiality requirement before the Jordan deposition (Jordan Depo. Tr., p. 9, lns. 6–13).

Senator Edwards stressed the confidentiality requirement again before the Blumenthal deposition (Blumenthal Depo. Tr., p. 8, lns. 8–10).

Oath. The Presiding Officer from the majority party administered the oath to the witness.

Advise of Rights. Senator Leahy in his opening remarks at the Lewinsky deposition informed the witness that should she fail to tell the truth, she would risk violating a federal law (18 U.S.C. Section 1001), prohibiting a person from making any materially false statement in any investigation or review by Congress (Lewinsky Depo. Tr., p. 9, Ins. 4–13).

Breaks. Senator DeWine called for 5-minute breaks on the hour, and Senator Leahy made clear that the witness should just ask should she want a break. At the conclusion of each break, Senator DeWine informed counsel of the time remaining for questioning. (See, e.g., 145 Cong. Rec. S1218, S1222 (Lewinsky)). Senator Thompson did likewise. (Id. at S1233, S1238 (Jordan)). Senator Specter also called for 5-minute breaks on the hour. (Id. at S1249, S1253; Blumenthal Depo. Tr., p. 86, Ins. 6–7, 15). Senators Thompson and Dodd called for a lunch break, even though Mr. Jordan asked to proceed through lunch. (145 Cong. Rec. S1243). Brief breaks were also taken when required to change the tapes, see, e.g., id. at S1227, and during a power outage in the Jordan deposition. (Id. at S1234).

Reserving Time for Re-direct and Re-Cross Examinations. The parties were allowed to reserve time out of their four hours for re-direct and re-cross examination, with the understanding, however, that should the President's counsel fail to cross-examine, the Managers would have no opportunity to re-direct. Likewise, should the Managers fail to re-direct following cross-examination, the President's counsel would have no opportunity to re-cross.

During the Lewinsky deposition, the President's counsel chose to ask no questions, which meant that the Managers could ask no further questions. (Lewinsky Depo. Tr., p. 173, Ins. 16–17). The President's counsel made a short apology to the witness on behalf of the President, to which no objection was made. (Id., p. 173, Ins. 18–20).

During the Jordan deposition, the President's counsel asked very few questions on cross-examination, and the Managers asked no questions on re-direct examination. (145 Cong. Rec. S1245).

During the Blumethal deposition, the President's counsel asked no questions on cross-examination, but the House Managers were allowed to ask questions on a limited scope of inquiry that had been the subject of an earlier objection raised by the President's counsel. (Id. at S1253). Senators Specter and Edwards had ruled that the Managers could develop this line of inquiry at the conclusion of the deposition so that should the objection be sustained, that portion of the deposition could be easily excised (145 Cong. Rec. S1253). Following the Managers' last line of inquiry, the President's counsel was given the opportunity to ask, but had no questions for Mr. Blumenthal. (Blumenthal Depo. Tr., p. 86, Ins. 15–18).

Recalling the Witness. At the completion of the Managers' direct examination of Ms. Lewinsky, Senator Edwards asked Manager Bryant whether he had concluded his direct examination. Manager Bryant said he had. When the President's counsel determined not to ask any questions, Senators DeWine and Edwards ruled that the deposition was completed, meaning that the deponent could not be compelled to testify again unless the Senate voted to issue another subpoena. (Lewinsky Depo. Tr., p. 173, In. 24). In so doing, they expressly rejected a request from Managers Bryant and Rogan to retain jurisdiction over the witness should she be called as a witness before the Senate. (*Id.*, p. 176, lns. 4–8).

Off the Record. The Presiding Officers determined when to go off the record. For example, Senator DeWine asked to go off the record when conferring on a ruling with Senator Leahy. (145 Cong. Rec. S1219 (Lewinsky)). Senator Edwards also asked to go off the record to confer with Senator Specter on a ruling. (*Id.* at S1250 (Blumenthal)). The parties were also permitted to request that discussion take place off the record. For example, upon Manager Bryant's request, Senators DeWine and Leahy allowed discussion to take place off the record. (*Id.* at S1229 (Lewinsky)). Similarly, upon President's Counsel's request, Senators Specter and Edwards allowed discussion to take place off the record. (*Id.* at S1253 (Blumenthal)).

Videotape. Senator Leahy advised Ms. Lewinsky at the outset for her deposition of how the videotape of the deposition might be used, including admitted into evidence in the impeachment trial and used in a way that it becomes public. (Lewinsky Depo. Tr., p. 10, lns. 10–12). Her attorney noted for the record that the witness objected to the videotaping of the deposition, and to any subsequent public release of the videotape of Ms. Lewinsky's testimony (*Id.* p. 12; lns. 19–22).

B. THE WITNESS

Counsel May Not Coach the Witness. Senator DeWine instructed Ms. Lewinsky's counsel not to coach or prompt the witness in her answers. He stated that she was free to ask for a break to confer with her counsel, but they should not whisper responses to her while a question was pending. (145 Cong. Rec. S1215).

Relying on Prior Grand Jury Testimony. Ms. Lewinsky objected to certain questions, answers to which were already in the record. After conferring, Senators DeWine and Leahy instructed Ms. Lewinsky to answer a Manager's question even though the question might have been covered in her grand jury testimony, though she ''certainly can reference previous testimony if she wishes to do that.'' Senator Leahy particularly noted that there may be ''some nuances different,'' and that she could ''correct her testimony.'' (145 Cong. Rec. S1213).

Transcript Corrections. Senator Leahy made clear when he presided at the Lewinsky deposition that the witness would be given an opportunity to examine the transcript to make any necessary corrections. By letter dated February 2, 1999, her attorney provided a list of corrections to the deposition (145 Cong. Res. S1229).

C. OBJECTIONS TO QUESTIONS AND STATEMENTS

Procedures for Resolving Scope Objections. Section 204 of S. Res. 30 limited the examination of the witness to ''the subject matters reflected in the Senate record.'' Prior to the Lewinsky deposition, Senators DeWine and Leahy determined that if objection was made to a question on the ground that it exceeded the scope of the Senate record, the proponent of the question would be allowed to identify where in the Senate record the subject matter of the question was reflected. If the proponent could satisfy the Presiding Officers that the subject matter of the question was reflected in the Senate record, the witness would be instructed to answer the question.

In the Blumenthal deposition, a scope objection arose about questions regarding White House strategy discussions of Kathleen Willey. (145 Cong. Rec. S1249). Senators Specter and Edwards decided to reserve that line of questioning until the end of the deposition. When the issue arose again, after consultation off the record, Senators Specter and Edwards decided that questions regarding Kathleen Willey were within the scope, but not questions regarding strategy sessions on any other women. (*Id.* at S1253). Senators Specter and Edwards also overruled Mr. Blumenthal's attorney's scope objection to another area of questions after Manager Graham had offered proof to support the scope of the question, and the attorney had withdrawn his objection. (*Id.* at S1251).

Limitation on Scope. While S. Res. 30 broadly defined the permissible scope of the deposition to cover subject matter reflected in the Senate record, the Managers were reminded of their representations to the Senate limiting the areas about which they would examine the witnesses. For example, Senator Leahy reminded Manager Bryant of his promise to the Senate that he would not ask Ms. Lewinsky about her explicit sexual relationship with the President. (145 Cong. Rec. 1213).

Objections by Counsel for the Witness. Senators DeWine and Leahy ruled that counsel for the witness were allowed to interpose objections to a question. (*Id.* at S1219 (Lewinsky)).

Answering the Question Subject to an Objection. Section 203 of S. Res. 30 required that ''the witness shall answer'' all questions unless asserting a ''legally-recognized privilege, or constitutional right.'' Senators DeWine and Leahy noted all non-privilege objections and instructed the witness to answer questions subject to the objection. (*See, e.g.*, 145 Cong. Rec. S1221 (Lewinsky)). The attorney-client privilege was asserted by Ms. Lewinsky's counsel in response to one line of questioning. Senators DeWine and Leahy instructed Manager Bryant to postpone that line of questioning until after Ms. Lewinsky's counsel could determine whether prior grand jury testimony had waived the privilege for that subject matter. (*Id.* at S1223). Her counsel later withdrew the objection, and Manager Bryant resumed his line of questioning. (*Id.* at S1224).

When Manager Graham asked about Mr. Blumenthal's prior use of executive privilege, his attorney, Mr. McDaniel, objected that the question was misleading because Mr. Blumenthal had not raised the privilege, but the White House had. Senators Specter and Edwards overruled the objection, and asked Mr. Blumenthal to answer the question, which was rephrased. (*Id.* at S1249).

Compound or Ambiguous Questions. During the depositions, there were numerous objections that the questions were compound and/or ambiguous. In each instance, the Presiding Officers invited the manager to rephrase the question and allowed the questioning to proceed. (*See, e.g., id.* at S1214–15 (Lewinsky), S1228 (Lewinsky), S1252 (Blumenthal)). At one point in the Blumenthal deposition, Senators Specter and Edwards ruled that Mr. Blumenthal could answer a question to which Mr. McDaniel objected as confusing, if the witness understood it. (*Id.* at S1250).

Open-ended Question. On cross-examination, Mr. Kendall asked Mr. Jordan if he had anything to add to the testimony he had given during his direct examination. That question drew an objection from Manager Hutchinson that it was too broad. Senator Thompson asked Mr. Kendall to rephrase the question, which he did. (*Id.* at S1245).

Witness Statement. At the conclusion of his examination, Mr. Jordan asked the Presiding Officers if he could make a statement. (Jordan Depo. Tr., p. 157, lnc. 6–7). Manager Hutchinson reserved the right to object if the statement exceeded the scope of the inquiry. (*Id.* at ln. 18). Mr. Jordan then offered a statement defending his integrity, which the Presiding Officers allowed. (*Id.* at ln. 24—p. 158, ln. 23). Manager Hutchinson did not assert an objection following the statement.

Leading Questions. Senator Thompson allowed Manager Hutchinson to ask a leading question of Mr. Jordan, since according to S. Res. 30 these witnesses were to be treated as adverse to the Managers. (145 Cong. Rec. S1238).

Questions Assuming Facts Not in Evidence. Senator Edwards, with Senator Specter's concurrence, sustained an objection to a Manager's question that contained premises and characterized events not in the record, and Manager Graham rephrased the question. (*Id.* S1252).

Speculation. Senators DeWine and Leahy asked Manager Bryant to rephrase questions after objection was made that the questions called for speculation about another person's state of mind. (*Id.* at S1219, S1221 (Lewinsky)). Senators Specter and Edwards asked Manager Graham to rephrase questions calling for Mr. Blumenthal's speculation about other's thoughts. (*Id.* at S1250, S1254).

D. USE OF EXHIBITS

Prior Production of Exhibits. Section 204 of S. Res. 30 requires ''[t]he party taking a deposition . . . [to] present to the other party, at least 18 hours in advance of the deposition, copies of all exhibits which the deposing party intends to enter into the deposition.'' Following objection from the President's counsel that the Managers had failed to comply with this requirement and had largely supplied only general descriptions of exhibits without copies of specific documents, Senators DeWine and Leahy ruled that this provision required production to the witness, the other party, and the Presiding Officers of a copy of any document that would be used during the deposition. A general description of the exhibit document did not comply with the resolution. (Lewinsky Depo. Tr., p. 14, ln. 16—p. 19, ln. 5). The President's counsel lodged an objection to the tardy production of deposition exhibits by the Managers prior to the Lewinsky deposition and again prior to the Jordan deposition, but agreed to proceed after the Presiding Officers assured them they would have an adequate opportunity to review any documents used in the deposition. (Jordan Depo. Tr., p. 13, lns. 22–25). Senators Thompson and Dodd put the Managers on notice that failure to comply with the Presiding Officers' ruling would preclude the use of documents not provided in a timely fashion at the Blumenthal deposition scheduled for the next day. (*Id.* at p. 13, ln. 22–p. 14, lns. 6, 16–23).

Referring to Exhibits. Senators DeWine and Leahy ruled that exhibits should be referred to according to their location in the Senate record. (145 Cong. Rec. S1214, S1226 (Lewinsky)). Senator Thompson reiterated that ruling in the Jordan deposition. (*Id.* at S1236). Senator Thompson also ruled that grand jury exhibits in the Senate record used as deposition exhibits should not be referred to by their grand jury exhibit number, but rather by an exhibit number for this impeachment trial deposition. (*Id.*) Senators Thompson and Dodd numbered the exhibits as they were presented, rather than as they were admitted into evidence. (*Id.* at S1245).

Admitting Exhibits into Evidence. S. Res. 16, the agreement which emerged from the Senate's January 8, 1999 bipartisan caucus in the Old Senate Chamber, provides that the material the House filed with the Senate on January 13, 1999 ''will be admitted into evidence.'' Those materials were printed, bound, and distributed to Senators. (*See* S. Doc. No. 106–3, vols. I–XXIV (1999)). Thus, any documents in that Senate record were already admitted into evidence by the time the depositions were taken. S. Res. 30, which governs the conduct of these depositions, provides that ''[n]o exhibits outside of the Senate record shall be employed, except for articles and materials in the press, including electronic media.'' When a party used a document during a deposition that was in the Senate record, there was no need to seek admission of that document into evidence. The only non-record documents that could be used in these depositions were ''articles and materials in the press, including electronic media.'' A party needed to seek the admission of those documents into evidence before they could become part of the record.

During the Jordan deposition, Manager Hutchinson attempted to use as an exhibit a summary of telephone records, a redacted form of which was in the Senate record. Mr. Kendall objected to the use of the exhibit because it had not been properly authenticated. Senators Thompson and Dodd sustained the objection. (145 Cong. Rec. S1241).

After the Manager's examination of Mr. Blumenthal, the President's counsel, Lanny Breuer, presented various news articles that were admitted into evidence. (Blumenthal Depo. Tr., p. 81, ln. 8–p. 82, ln. 2). Manager Graham also submitted articles into evidence, including those not referred to by Mr. Blumenthal, and they were admitted after Mr. Breuer withdrew his objection that no reference had been made to the articles during the examination. (*Id.* at p. 82, lns. 16–25, p. 83, ln. 15–p. 85, ln. 25).

CORRECTION TO THE RECORD

In the RECORD of February 10, 1999, on page S1425–1427, the remarks of Senator THOMAS appear incorrectly. The permanent RECORD will be corrected to reflect the following:

By Mr. THOMAS (for himself, Mr. ENZI, Mr. HELMS, Mr. MURKOWSKI, Mr. COVERDELL, Mr. HAGEL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. ROBERTS, Mr. NICKLES, and Mr. SESSIONS):

S. 404. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans' Affairs.

S. 404: THE VETERANS MEMORIAL PHYSICAL INTEGRITY ACT OF 1999

● Mr. THOMAS. Mr. President, I come to the floor today to introduce S. 404, a bill to prohibit the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Congress. The bill is identical to S. 1903 which I introduced at the end of the last Congress.

I would not have thought that a bill like this was necessary, Mr. President. It would never have occurred to me that an Administration would even briefly consider dismantling part of a memorial to American soldiers who died in the line of duty in order to send a piece of that memorial to a foreign country; but a real possibility of just that happening exists in my state of Wyoming involving what are known as the ''Bells of Balangiga.''

In 1898, the Treaty of Paris brought to a close the Spanish-American War. As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American effort to stem the insurrection, a company of 74 officers and men from the 9th Infantry, Company G, occupied the town of Balangiga on the island of Samar. These men came from Ft. Russell in Cheyenne, Wyoming—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the Wall Street Journal:

Officers slept in, and enlisted men didn't bother to carry their rifes as they ambled out of their quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers' statements. The quiet ended abrupty when a 23 year old U.S. sentry named Adolph Gamlin walked past the local police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across [Gamlin's] head. As PFC Gamlin crumpled, the bells of Balangiga began to peal.

With the signal, hundreds of Filipino fighters swarmed out of the surrounding forest, armed with clubs, picks and machete-like bolo knives. Others poured out of the church; they had arrived the night before, disguised as women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the mess tent and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby stream. The company commander was hacked to death after jumping out a window. Besieged infantrymen defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.

Though he was also slashed across the back, PFC . . . Gamlin came to and found a rifle. By the time he and the other survivors fought their way to the beach, 38 US soldiers were dead and all but six of the remaining men had been wounded.