

SENATE—Tuesday, January 26, 1999

The Senate met at 12:02 p.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You not only guide our steps, You order our stops for quiet times of prayer. We hear Your words spoken through the psalmist. "Be still and know that I am God; I will be exalted among the nations, I will be exalted in the earth"—Psalm 46:10. Help us absorb the true meaning of these words translating the original Hebrew. You call us to let up, leave off, let go, and truly know that You are God. You are in control. We cannot be still inside until we reaffirm that You are in control of us, this Nation, and this Senate. We exalt You El Shaddai, all-sufficient one; Adonai, our Lord; Jehovah-raah, our Shepherd who guides; Jehovah-rapha, who heals our bodies and our relationships; Jehovah-shammah, God who is here. Strengthen the Senators as they seek to exalt You, as these pages of American history are written during this trial. You bless the Nation that exalts You! Through Him who taught us to seek first Your kingdom and Your righteousness. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. For the information of all Senators, we are now prepared to hear arguments regarding the subpoenaing of witnesses and the taking of their depositions. I understand the House managers will submit the list and begin their argument; the White House

counsel will then state their arguments, with the House managers making the final closing statement. This period has been limited to 4 hours instead of the 6 hours that had been earlier indicated.

I also expect a motion may be offered again to close the session with regard to deliberations by the Senators. I need some further consultation with Senator DASCHLE to confirm that. It could be that we could work it out without having to do the recorded vote. Therefore, votes could occur this evening—probably between 4:30 p.m. and 5 o'clock.

As always, we expect to take a break after about an hour and a half in the proceedings, and it may be a little bit longer than usual, so that if Senators were not able to grab a quick bite, they might be able to grab a little something in the cloakroom during that first break. So it might be a little longer than ordinary. And I expect that will occur sometime around 1:30 approximately.

Before we begin, since I see that there are still a few Senators who are not in the Chamber, I suggest the absence of a quorum, Mr. Chief Justice.

The CHIEF JUSTICE. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the order for the quorum call be rescinded.

The CHIEF JUSTICE. Without objection, it is so ordered.

Mr. LOTT. If all Senators, counsel and managers would return to their desks, I believe we are ready to begin.

Mr. Chief Justice, again, just for the information of all Senators, what happens next is I believe that a manager will be recognized on behalf of the House to present a motion with regard to subpoenaing witnesses and then the presentations will begin first by the House managers and then by the White House counsel and then closed by the House managers to be spread over 4 hours, but that at approximately 1:30 we will take a break so that we can assess how to proceed the balance of the day, and perhaps even get a bite to eat if Senators hadn't had that opportunity. It won't be an extended break, but it will be longer than normal.

I believe we are ready to proceed, Mr. Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager BRYANT on behalf of the House managers.

MOTION FOR APPEARANCE OF WITNESSES AND ADMISSION OF EVIDENCE

Mr. Manager BRYANT. Mr. Chief Justice, I have a motion to present.

The CHIEF JUSTICE. The manager will send the motion to the desk. The clerk will read the motion.

The legislative clerk read as follows:

Motion of the United States House of Representatives for the appearance of witnesses at a deposition and to admit evidence not in the Record.

Now comes the United States House of Representatives, by and through its duly authorized Managers, and respectfully submits to the United States Senate its motion for the appearance of witnesses at a deposition and to admit evidence not in the record in connection with the Impeachment Trial of William Jefferson Clinton, President of the United States.

The House moves that the Senate authorize and issue subpoenas for the appearance of the following witnesses at a deposition for the purpose of providing testimony related to the Impeachment Trial:

1. Monica S. Lewinsky;
2. Vernon Jordan; and
3. Sidney Blumenthal.

Further, the House moves that the Senate admit into evidence the following material not currently in the record:

1. the affidavit of Barry Ward, Law Clerk to the Honorable Susan Webber Wright, U.S. District Court Judge for the Eastern District of Arkansas;
2. the sworn declaration of T. Wesley Holmes, and attachments thereto; and
3. certain telephone records which document conversations between Monica S. Lewinsky and William Jefferson Clinton, including a 56-minute exchange on December 6, 1997.

Additionally, the House petitions the Senate to request the appearance of William Jefferson Clinton, President of the United States, at a deposition, for the purpose of providing testimony related to the Impeachment Trial.

The CHIEF JUSTICE. Pursuant to Senate Resolution 16, as modified by the order of January 25, the managers on the part of the House of Representatives and counsel for the President each have 2 hours to present their arguments on this motion.

The Chair recognizes Mr. Manager BRYANT.

Mr. Manager McCOLLUM.

Mr. Manager McCOLLUM. Thank you, Mr. Chief Justice.

Mr. Chief Justice and Members of the Senate, we are here today to argue for the presentation of witnesses, and I want to state at the outset a couple of observations of mine regarding this.

The House managers have always understood the Senate's sense of the rules on these matters, and we don't question that fact. But I think it is important, to set the record clear here today, to say at the outset that we have always believed, and we still do believe, that 10 or 12 witnesses are what we should have and should have been permitted to call to prove our case. We