

MOTION TO DISMISS ARTICLES OF IMPEACHMENT AGAINST WILLIAM JEFFERSON CLINTON

• Mr. ABRAHAM. Mr. President, I rise to oppose the motion offered in the Court of Impeachment to dismiss the Articles of Impeachment against President Clinton. To support the motion would undermine the precedents and history of the impeachment process laid out in the Constitution. To my knowledge, the only instances in our history that the Senate has dismissed a Resolution of Impeachment without voting up or down on at least one of the Articles sent over by the House was when the impeached officer resigned before the Senate had the opportunity to act. I do not think we should deviate from our precedents on this occasion.

In voting on the motion to dismiss, we are supposed to assume that even if the President did everything the House claims he did, we should still dismiss the Articles. So for purposes of this motion, we have to assume that he committed every act of obstruction of justice and witness tampering the House has claimed and every instance of perjury before the grand jury that the House claims. This would include perjury before a grand jury sitting to help the Congress determine whether the President committed impeachable offenses.

Mr. President, I have by no means decided whether President Clinton has done everything the House alleges. But if I am to assume all these allegations are correct, I cannot see how in good conscience I can support the motion to dismiss and permit the President to stay in office. •

SUPPORT OF THE MOTION TO DISMISS THE ARTICLES OF IMPEACHMENT AGAINST PRESIDENT CLINTON

• Mr. LIEBERMAN. Mr. President, each Member of the Senate is obligated today to render a judgment, a profound judgment, about the conduct of President William Jefferson Clinton and the call of the House of Representatives to remove him from office. A motion to dismiss the two articles of impeachment lodged against the President has been put before us, and so we must now determine whether there are sufficient grounds to continue with the impeachment trial, or whether we know enough to reach a conclusion and end these proceedings.

I know enough from the record the House forwarded to us and the public record to reach certain conclusions about the President's conduct. President Clinton had an extramarital sexual relationship with a young White House employee, which, though consensual, was reckless and immoral, and thus raised a series of questions about his judgment and his respect for the office. He then made false and misleading

statements about that relationship to the American people, to a Federal district court judge in a civil deposition, and to a Federal grand jury; in so doing, he betrayed not only his family but the public's trust, and undermined his public credibility.

But the judgment we must now make is not about the rightness or wrongness of the President's relationship with Monica Lewinsky and his efforts to conceal it. Nor is that judgment about whether the President is guilty of committing a specific crime. That may be determined by a criminal court, which the Senate clearly is not, after he leaves office.

The question before us now is whether the President's wrongdoing—as outlined in the two articles of impeachment—was more than reprehensible, more than harmful, and in this case, more than strictly criminal. We must now decide whether the President's wrongdoing makes his continuance in office a threat to our government, our people, and the national interest. That to me is the extraordinarily high bar the Framers set for removal of a duly-elected President, and it is that standard we must apply to the facts to determine whether the President is guilty of "high Crimes and Misdemeanors."

This trial has now proceeded for 10 session days. Each side has had ample opportunity to present its case, illuminating the voluminous record from the House, and we Senators have been able to ask wide-ranging questions of both parties. I have listened intently throughout, and both the House Managers and the counsel for the President have been very impressive. The House Managers, for their part, have presented the facts and argued the Constitution so effectively that they impelled me more than once to seriously consider voting for removal.

But after much reflection and review of the extensive evidence before us, of the meaning of high crimes and misdemeanors, and, most importantly, of what I believe to be in the best interests of the nation, I have concluded that the facts do not meet the high standard the Founders established and do not justify removing this President from office.

It was for this reason that I decided today to vote in favor of dismissing the articles of impeachment against President Clinton, and against the motion to allow for the testimony of live witnesses. I plan to submit a more detailed statement explaining exactly how I arrived at these decisions when the final votes are taken on the articles of impeachment. But I do think it is important at this point to summarize my arguments for voting to end the trial now.

I start from the indisputable premise that the Founders intended impeachment to be a measure of extreme last

resort, because it would disrupt the democratic process they so carefully calibrated and would supersede the right of the people to choose their leaders, which was at the heart of their vision of the new democracy they were creating. That is why I believe that the Constitutional standard in question here—"high Crimes and Misdemeanors"—demands clear and convincing evidence that the President committed offenses that, to borrow from the words of Alexander Hamilton and James Madison respectively, proceed from "the abuse or violation of some public trust," and that demonstrate a "loss of capacity or corruption." A review of the constitutional history convinces me that impeachment was not meant to supplant the criminal justice system but to provide a political remedy for offenses so egregious and damaging that the President can no longer be trusted to serve the national interest.

The House Managers therefore had the burden of proving in a clear and convincing way that the behavior on which the articles of impeachment are based has irreparably compromised the President's capacity to govern in the nation's best interest. I conclude that, as unsettling as their arguments have been, they have not met that burden.

I base that conclusion in part on the factual context of the President's actions. As the record makes abundantly clear, the President's false and misleading statements under oath and his broader deception and cover-up stemmed directly from his private sexual misconduct, something that no other sitting American president to my knowledge has ever been questioned about in a legal setting. On each occasion when I came close to the brink of deciding to vote for one of the articles of impeachment, I invariably came back to this question of context and asked myself: does this sordid story justify, for the first time in our nation's history, taking out of office the person the American people chose to lead the country? Each time I answered, "no."

The record shows that the President was not trying to conceal public malfeasance or some heinous crime, like murder, and I believe that distinction, while not determinative, does matter. The American people, according to most public surveys, also think that distinction matters—which helps us to understand why the overwhelming majority of them can simultaneously hold the views that the President has demeaned his office and yet should not be evicted from it.

In noting this, I recognize that it would be a dereliction of our duty to substitute public opinion polls for our reasoned judgment in resolving this Constitutional crisis. But it would also be a serious error to ignore the people's voice, because in exercising our authority as a court of impeachment we are