

**SENATE—Friday, January 8, 1999**

The Senate met at 12:30 p.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Father Paul Lavin, pastor of St. Joseph's on Capitol Hill.

We are pleased to have you with us.

**PRAYER**

The guest Chaplain, the Reverend Paul E. Lavin, pastor of Saint Joseph's Catholic Church, Washington, DC, offered the following prayer:

In the Book of Wisdom, Solomon prays:

*God of my fathers, Lord of mercy  
You who have made all things by Your word  
and in Your wisdom have established man  
to rule the creatures produced by You  
to govern the world in holiness and justice  
and to render judgment in integrity of  
heart;  
Give me wisdom, the attendant at Your  
throne  
and reject me not from among Your chil-  
dren.—Wisdom 9: 1-5.*

Let us pray:

We stand before You, Almighty God, conscious of our own sinfulness, but aware that we gather in Your name.

Come to us, remain with us and enlighten our hearts.

Give us light and strength to know Your will to make it our own, and to live it in our lives.

Guide us by Your wisdom, support us by Your power.

You desire justice for all: Enable us to uphold the rights of others; do not allow us to be misled by ignorance or corrupted by fear or favor.

May all our decisions be pleasing to You, and to You be glory for ever and ever. Amen.

Mr. THURMOND. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**UNANIMOUS-CONSENT AGREEMENT**

Mr. DEWINE. On behalf of the majority leader, I ask unanimous consent that the Senate resume consideration of the articles of impeachment at a time to be determined by the majority leader after consultation with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

**RECESS SUBJECT TO THE CALL OF THE CHAIR**

Mr. DEWINE. Mr. President, I now ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 1:03 p.m., recessed subject to the call of the Chair; whereupon, the Senate, at 4:02 p.m., reassembled when called to order by the President pro tempore.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The distinguished majority leader.

**ORDER OF PROCEDURE**

Mr. LOTT. Mr. President, to inform all of our colleagues, I will shortly suggest the absence of a quorum. And when a quorum is established, the Senate will resume sitting as a Court of Impeachment.

**QUORUM CALL**

Mr. LOTT. I now suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihani
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

The PRESIDENT pro tempore. A quorum is present.

**TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES**

The CHIEF JUSTICE. Pursuant to rule III of the procedure and guidelines for impeachment trials in the U.S. Senate, the Senate will now resume consideration of the articles of impeachment of William Jefferson Clinton. 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 silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against William Jefferson Clinton, President of the United States.

The CHIEF JUSTICE. The majority leader is recognized.

PROVIDING FOR ISSUANCE OF A SUMMONS AND FOR RELATED PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

Mr. LOTT. Mr. Chief Justice, I am quite pleased to send a resolution to the desk on behalf of myself and the Democratic leadership, Senator DASCHLE, and, in fact, for the entire U.S. Senate, and I ask consent that if the resolution is agreed to by the Senate, it be considered to have the dignity of a unanimous-consent agreement up to the final paragraph.

The CHIEF JUSTICE. Is there objection to the request of the majority leader?

Mr. REID. No objection.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 16) to provide for issuance of a summons and for related procedures concerning the articles of impeachment against William Jefferson Clinton, President of the United States.

The CHIEF JUSTICE. The question occurs on Senate Resolution 16 submitted by the majority leader, Mr. LOTT. Pursuant to rule XXIV of the Senate rules on impeachment, the yeas and nays are required on this question.

Mr. BYRD addressed the Chair.

The CHIEF JUSTICE. The Senator from West Virginia.

Mr. BYRD. Parliamentary inquiry. Could the clerk read the resolution for the edification of the Senate at this time.

The CHIEF JUSTICE. If that is the will of the body, the resolution will be read.

Mr. BYRD. I ask unanimous consent that be done.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The CHIEF JUSTICE. Is there objection to the reading of the resolution?

Without objection, it is so ordered.

The clerk will read the resolution in its entirety.

The legislative clerk read as follows:

*Resolved*, That the summons be issued in the usual form provided that the President may have until 12 noon on Monday, January 11th, to file his answer with the Secretary of the Senate, and the House have until 12 noon on January 13th to file its replication with the Secretary of the Senate, together with the record which will consist of those publicly available materials that have been submitted to or produced by the House Judiciary Committee, including transcripts of public hearings or mark-ups and any materials printed by the House of Representatives or House Judiciary Committee pursuant to House Resolutions 525 and 581. Such record will be admitted into evidence, printed, and made available to Senators. If the House wishes to file a trial brief it shall be filed by 5 p.m. on January 11th.

The President and the House shall have until 5 p.m. on January 11th to file any motions permitted under the rules of impeachment except for motions to subpoena witnesses or to present any evidence not in the record. Responses to any such motions shall be filed no later than 10 a.m. on January 13th. The President may file a trial brief at or before that time. The House may file a rebuttal brief no later than 10 a.m. January 14th.

Arguments on such motions shall begin at 1 p.m. on January 13th, and each side may determine the number of persons to make its presentation, following which the Senate shall deliberate and vote on any such motions. Following the disposition of these motions, or if no motions occur then at 1 p.m. on January 14th, the House shall make its presentation in support of the articles of impeachment for a period of time not to exceed 24 hours. Each side may determine the number of persons to make its presentation. The presentation shall be limited to argument from the record. Following the House presentation. The President shall make his presentation for a period not to exceed 24 hours as outlined in the paragraph above with reference to the House presentation.

Upon the conclusion of the President's presentation, Senators may question the parties for a period of time not to exceed 16 hours.

After the conclusion of questioning by the Senate, it shall be in order to consider and debate a motion to dismiss as outlined by the impeachment rules. Following debate it shall be in order to make a motion to subpoena witnesses and/or present any evidence not in the record, with debate time on that motion limited to 6 hours, to be equally divided between the two parties. Following debate and any deliberation as provided in the impeachment rules, the Senate will proceed to vote on the motion to dismiss, and if defeated, an immediate vote on the motion to subpoena witnesses and/or to present any evidence not in the record, all without any intervening action, motion, amendment or debate.

If the Senate agrees to allow either the House or the President to call witnesses, the witnesses shall first be deposed and the Senate shall decide after deposition which witnesses shall testify, pursuant to the impeachment rules. Further, the time for depositions shall be agreed to by both leaders. No testimony shall be admissible in the Senate

unless the parties have had an opportunity to depose such witnesses.

If the Senate fails to dismiss the case, the parties will proceed to present evidence. At the conclusion of the deliberations by the Senate, the Senate shall proceed to vote on each article of impeachment.

The CHIEF JUSTICE. The question occurs on Senate Resolution 16. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—100

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Allard	Fitzgerald	McCormack
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

The resolution (S. Res. 16) was agreed to.

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS WELLSTONE AND HARKIN

In accordance to Rule V of the Standing Rules of the Senate, I (for myself and for Mr. Harkin) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials for the duration of the trial of President William Jefferson Clinton:

(1) The phrase "without debate" in Rule VII;

(2) The following portion of Rule XX: " , unless the Senate directs shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objected is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the Record"; and

(3) In Rule XXIV, the phrases "without debate", "except when the doors shall be closed for deliberation, and in that case" and " , to be had without debate".

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(3) In Rule XXIV, the phrases "without debate", "except when the doors shall be closed for deliberation, and in that case" and " , to be had without debate".

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

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

I remind all Senators to please remain in their seats until the Chief Justice has departed the Chamber.

ADJOURNMENT

Mr. LOTT. I now ask unanimous consent that the Court of Impeachment stand in adjournment, and that all Senators remain at their desks, as I just suggested, so the Chief Justice can depart the Chamber.

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

Thereupon, at 4:34 p.m., the Senate, sitting as a Court of Impeachment, adjourned.

#### LEGISLATIVE SESSION

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The majority leader is recognized.

Mr. LOTT. Mr. President, for the information of all Senators, momentarily we will do the closeout for the day, and we will, in that period, after consultation with the Democratic leader, notify the Senators about what the schedule will be next week and when the next anticipated time will occur for us to be here and expect votes. That will probably be Wednesday afternoon.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO MAJOR GENERAL RICHARD C. ALEXANDER

Mr. DEWINE. Mr. President, recently Major General Richard C. Alexander of Ohio retired as the Adjutant General of the Ohio National Guard. I rise today to pay tribute to this remarkable individual and dedicated public servant.

General Alexander's military career began in 1954 when he joined the Marine Corps and served honorably until