

The constitutional impeachment procedures were designed simply to remove unqualified or corrupt officials. Vice President GORE, pursuant to the Constitution, will become President and life will go on.

Let me emphasize that by requiring removal upon proving the commission of impeachable offenses, the Framers believed that it is in the public good to remove the official.

President Clinton is guilty of high crimes and misdemeanors and his poll numbers, no matter how lofty, cannot insulate him from the dictates of the Constitution. The President believes that a rule of polls should govern the Senate's decision. But as Manager ROGAN correctly observed, "the personal popularity of any President pales when weighed against the fundamental concept that forever distinguishes us from every nation on the planet. No person is above the law." There is no escaping the Senate's duty enshrined in the impeachment oath that we do "impartial justice" and remove the President if we believe that his actions amounted to high crimes and misdemeanors.

VI. CONCLUSION

I do not take pleasure or gain any sense of gratification for the decision I must make today. For literally months, night and day, I have anguished over the serious accusations against President Clinton and what they mean for our country, our society, and our children.

I know none of us enjoys sitting in judgment of the President, our fellow human-being, but that is our job and we cannot ignore our responsibility. I believe most of us will do a sincere job of trying to fulfill our oath to do impartial justice.

I have diligently strived to extend my deepest respect to the President—indeed, to the Presidency—throughout this process. I wanted to be able to support President Clinton. I believe that I have been more than fair. I have tried not to rush to judgment.

All of my life I've been taught to forgive and forget. I've always tried to live up to that belief. As a leader in my church, I have dealt with a great number of human frailties, people with a wide variety of problems, and I've always believed that good people can repent of their sins and be forgiven.

Indeed, to the dismay of some, I had expressed a hope and a desire early on in this constitutional drama that the President would acknowledge his untruthful statements. He chose to do otherwise and perpetuated his untruthfulness. Although some believe this is solely a private matter, I feel this is really about the President's fidelity to the oath of office and the rule of law.

I have always been prepared to vote my conscience. Indeed, my concerns regarding the bad precedent a likely acquittal would set have been somewhat

calmed by something the great constitutional scholar, Joseph Story, once wrote about acquittal in impeachment cases. Mr. Story noted that in cases in which two-thirds of the Senate is not satisfied that a conviction is warranted, "it would be far more consonant to the notions of justice in a republic, that a guilty person should escape than that an innocent person should become the victim of injustice from popular odium * * *"

Nonetheless, I am reminded of a quote by President Theodore Roosevelt, a statement that applies to the matter before the Senate:

Honesty is not so much a credit as an absolute prerequisite to efficient service to the public. Unless a man is honest, we have no right to keep him in public life; it matters not how brilliant his capacity * * *.

'Liar' is just as ugly a word as 'thief,' because it implies the presence of just as ugly a sin in one case as in the other. If a man lies under oath or procures the lie of another under oath, if he perjures himself or suborns perjury, he is guilty under the statute law. Under the higher law, under the great law of morality and righteousness, he is precisely as guilty if, instead of lying in a court, he lies in a newspaper or on the stump; and in all probability the evil effects of his conduct are infinitely more widespread and more pernicious.

President Theodore Roosevelt's words cannot be ignored—nor can the Constitution. After weighing all of the evidence, listening to witnesses, and asking questions, I have concluded that President Clinton's actions warrant removal from office.

Committing crimes of moral turpitude such as perjury and obstruction of justice go to the heart of qualification for public office. These offenses were committed by the chief executive of our country, the individual who swore to faithfully execute the laws of the United States.

This great nation can tolerate a President who makes mistakes. But it cannot tolerate one who makes a mistake and then breaks the law to cover it up. Any other citizen would be prosecuted for these crimes.

But, President Clinton did more than just break the law. He broke his oath of office and broke faith with the American people. Americans should be able to rely on him to honor those values that have built and sustained our country, the values we try to teach our children—honesty, integrity, being forthright.

For 13 miserable months, we have struggled with the question of what to do about President Clinton's actions. The struggle has divided the Nation.

To those of us who have ourselves taken an oath to uphold the Constitution—which represents the rule of law and not of men—it should not matter how brilliant or popular we feel the President is. The Constitution is why we govern based on the principle of equality and not emotion. The Constitution is what guides us as a nation

of laws and not personalities. The Constitution is what enables us to live in freedom.

I will vote for conviction on both articles of impeachment—not because I want to—but because I must. Upholding our Constitution—a sacred document that Americans have fought and died for—is more important than any one person, including the President of the United States.

When all is said and done, I must fulfill my oath and do my duty. I will vote "Guilty" on both Article One and Article Two.

SENATOR DODD'S HISTORIC SPEECH IN THE OLD SENATE CHAMBER

Mr. LEAHY. Mr. President, I would like to submit a statement delivered by our colleague Senator DODD on January 8th at the commencement of the impeachment trial of President Clinton.

This statement, like the others delivered that day, is remarkable in several respects.

First, it captures the rich history that has transpired over the years in the Old Senate Chamber—a history marked often by greatness, but occasionally by shame.

Second, it wonderfully expresses Senator DODD's own personal sense of the history of the Senate. His reflections on past Senators—from Roger Sherman, the Founding Father whose seat Senator DODD occupies, to his own father, former Senator Thomas Dodd—remind us that the Senate is an institution made up of individuals, and that the totality of their actions shapes the destiny not just of the Senate itself but indeed of the entire country.

Third, and most importantly, Senator DODD's statement stands as a powerful plea for cooperation and bipartisanship in the discharge of the Senate's profound responsibility in this trial. Senator DODD's statement played a critical role in setting the stage for the historic bipartisan agreement reached at the outset of the trial, and for the spirit of civility that prevailed throughout this ordeal. I commend Senator DODD's statement to all citizens who in the future may wish to learn something of how the Senate was inspired to conduct the impeachment trial of President Clinton in a noble and dignified manner.

I am beginning my 25th year in the Senate. After Senator DODD spoke I told him his speech was one of the finest I had heard in those years.

No Senator ever spoke more directly—or more persuasively—to other Senators about the duty we all have to the Constitution and the Senate. I am proud to serve with him.

I ask unanimous consent that the text of Senator DODD's statement be printed in the RECORD.

REMARKS BY SENATOR CHRISTOPHER J. DODD,
OLD SENATE CHAMBER, JANUARY 8, 1999

Mr. DODD. Let me begin by thanking our two leaders. While none of us can say with any certainty how this matter will be concluded, if we, like every other institution that has brushed up against this lurid tale, end up in a raucous partisan brawl, it will not be because of the example set by Tom Daschle and Trent Lott. The graces have once again blessed this extraordinary body by delivering two noble and decent men to lead us.

I want to express a special thanks to you, Tom, for asking me to share my thoughts this morning on the issue before us.

On a light note, it was in this very room four years ago that I lost the Democratic leader's post to Tom Daschle. Of the forty-seven members of the Democratic Caucus, forty-six were here that morning to vote. When the ballots were counted, Tom and I had each received 23 votes—a dead heat. The absent Democratic colleague who voted for Tom with a proxy ballot was Ben Nighthorse Campbell. Several weeks later I received a very late night call from Ben in which he shared with me his decision to change political parties. Ben and I have been good friends for some time, and I told him he ought to do what he felt was right. The next morning I decided to have some fun with our Democratic leader, Tom Daschle, by sending him a note asking that in light of Ben's decision to become a Republican, did Tom think a recount of the leader's race might be in order?

Considering the wonderful job our leader Tom has done, particularly over these last several weeks, I'm glad he did not even consider the offer.

Allow me further to note a point of personal privilege. I am deeply proud to share the representation of my state in the Senate with Joe Lieberman. Over these past couple of weeks Joe and Slade Gorton have once again demonstrated the value of their presence in the Senate. While many of us, from time to time, have claimed to speak for the Senate—few rarely do. On that day in September, Joe, your remarks delivered on the Senate floor about the President's behavior were, I believe, the sentiments of the entire Senate. We thank you.

Joe and I represent the Constitution State. Joe sits in the seat once held by Oliver Ellsworth, the second Chief Justice of the Supreme Court. I sit in the seat of Roger Sherman, the only founding father to sign all four of our cornerstone documents: The Declaration of Independence, The Articles of Confederation, The Constitution and The Bill of Rights. Roger Sherman was also the author of the Connecticut Compromise which created this Senate in which we now serve.

So by institutional lineage, I feel a special connection with the Senate. But, on a personal level, I am also very much a product of the Senate. Forty years ago this week, I was a very proud 14 year old watching from the family gallery as my father took the same oath I took on Wednesday. I also remember that day meeting another new Senator, Robert C. Byrd of West Virginia.

I only mention these facts because I am overwhelmed by a profound sense of history as we embark on this perilous journey over the coming weeks. I want my institutional forebearer, Roger Sherman, and my father to judge that on my watch, as a temporary custodian of this Senate seat, I did my best.

I want to express a special thanks to Trent Lott for having the wisdom of choosing this most historical room for our joint caucus.

Trent could have chosen any number of other venues, larger more accommodating rooms around the Capitol for this meeting. But either by divine inspiration or simple choice he decided to bring us—Democrats and Republicans—together here.

It is one hundred and forty years ago this week—January 4, 1859—that our Senate predecessors moved from this room to the chamber we now occupy.

While in use, this room was the stage of some of the Senate's most worthy and memorable moments.

The Missouri Compromise was brokered here. So was the Compromise of 1850. And the famous Webster-Hayne debate took place here in 1830. The spirits of Henry Clay, John Calhoun and Daniel Webster—great statesmen, great compromisers, giants of our Senate—are here with us today. And maybe one day, those who come after us will add this joint meeting to the list of those other great moments in the history of the United States Senate.

But this chamber also witnessed one of the Senate's most regrettable moments—the caning in 1856 of Senator Charles Sumner by Representative Preston Brooks.

Congressman Brooks walked right through this center door and proceeded to beat Senator Sumner.

That tragic incident was precipitated by a strong anti-slavery speech from Senator Sumner in which Representative Brooks felt Sumner had accused his colleague and Brook's cousin, Senator Andrew Butler of South Carolina, of having an illicit sexual relationship with a young woman who was a slave.

Far from being a momentary bitter, personal dispute, the Sumner caning, according to many historians, effectively ended the thin shred of comity and compromise that existed in the Senate. Forty-eight months later our great Civil War began.

We are now gathered in this revered room in the face of a great Constitutional question. Which of the spirits that inhabit this chamber will prevail as we begin this process? Can we find the common ground of Clay, Calhoun and Webster? Or will we assault each other by resorting to a rhetorical caning?

I would urge our two leaders to try once more before the scheduled vote of 1 pm to find a solution to the issue of witness testimony.

It has been argued that there is little or no difference between the two proposals, and, while they may seem slight, I believe our failure to make the right choice puts the conduct of this process and the public confidence in the Senate at grave risk.

The President's conduct was deplorable; the conduct of the Office of Independent Counsel has raised grave concerns on all sides; and the highly partisan spectacle in the House has provoked public revulsion. We are the court of last resort—the only hope of restoring public confidence rests with us.

The issue of whether to exclude witnesses altogether or leave open the possibility of their testimony rests on how we weigh the relative risk of prohibiting witnesses against the risk of severely damaging or destroying the shared goals and desires of all Senators.

Over the past several weeks, in telephone conversations, meetings and joint appearances on news programs, I have concluded there are six points of common agreement:

(1) There is the sincere desire for this profound burden we did not ask for to be devoid of partisanship;

(2) We must act with total fairness, and we must be perceived by the public as having acted fairly;

(3) We must act with deliberate speed and not flounder;

(4) We must assure that the Senate retains sole custody of how this matter is conducted and concluded;

(5) We must demonstrate appropriate respect for the Judicial Branch, the Executive Branch and the House of Representatives; and

(6) We must jealously protect the dignity of the Senate as we consider what most Americans believe to be, at the very least, the most undignified personal behavior of an American President.

If we permit the House managers and the White House to call witnesses, do we not risk the partisan brawling through party-line voting that will surely ensue? And does not that risk outweigh the risk that some of us may not benefit from body language or voice inflection that some witnesses may provide? I think not.

A process as proposed by Senators Gorton and Lieberman that allows a full explanation of the House managers case over several days and an equal amount of time allocated for the President's defense, in addition to two days of questions from Senators, would meet any reasonable person's standard of fairness. The added fact that we will have at our disposal more than 60,000 pages of Grand Jury testimony, hearings and evidence should satisfy any objective analysis that we can conduct this process fairly.

There is no more important business before the Senate than the conduct and conclusion of this impeachment trial. I am of the view that no other business ought to intervene while this matter is pending. As I have said, we must act fairly—but we must also act expeditiously—not rush—but act with deliberate speed and purpose.

Any first semester law student knows that once witnesses are subpoenaed, fundamental fairness allows for depositions and discovery. Depending on the number of witnesses, the delays will undoubtedly be lengthy.

I readily acknowledge that there are some risks in excluding the testimony of live witnesses—but does that risk exceed the almost certain risk of causing the Senate to be unnecessarily tied up with this matter for weeks if not months?

As I have stated, this unsolicited task of disposing of this impeachment is paramount, but we would all agree it is not our only responsibility.

There are urgent matters, both foreign and domestic, that we must attend to in the 106th Congress. Pete Domenici's concern about the budget and not repeating the budget debacle of last year, social security reform, Ted Stevens' concern about the accuracy of our weapons in Iraq, and the Brazilian economic crisis are just a small sample of the agenda this Senate must address. The risk of not dealing with these matters must be weighed against the wisdom of calling live witnesses in this proceeding.

The Constitution is clear—only the Senate has the power to try impeachments. We and we alone must be the custodians of our own procedures. While the calling of live witnesses does not necessarily mean the Senate would lose control of the proceedings, there is the undeniable risk that once the witness parade begins, the ability of the Senate, and the Senate alone, to manage these proceedings fairly, expeditiously, and in a non-partisan fashion could be lost.

We Senators have a serious responsibility to be respectful of the Judicial Branch in the presence of Chief Justice Rehnquist, the Executive Branch in the presence of counsel for

the President, and the House of Representatives in the presence of the House managers. Being respectful and deferential to these institutions should not be confused with deferring to these institutions. Chief Justice Rehnquist has indicated to our leaders that he intends to be a passive presiding officer, except in some narrow instances. The White House, through their counsel, indicated that it would prefer to avoid calling witnesses. Only the House managers are insisting on the use of witnesses. Furthermore, the House managers agree that the exclusion of witnesses by the Senate would deprive them of the ability to make their case and be taken as an act of disrespect by the Senate.

I find it stunningly ironic that the House Judiciary Committee saw no similar disrespect to their fellow House members when they presented their Articles of Impeachment before the full House without the benefit of a single witness appearing before their panel. When asked why no witnesses had been called before the House Judiciary Committee, some members argued that the calling of witnesses would have unduly delayed their proceedings and the presence of some witnesses could have reflected poorly on the dignity of the House.

The obvious question occurs that if the House managers were unwilling to risk an expeditious handling of their procedures and unwilling to risk the potential for a lewd and lurid spectacle in their chamber, why then should we in the Senate submit our chamber to similar risks when there is no compelling benefit to be gained?

A process that would allow either side in this matter to call witnesses—with the approval of a bare majority—risks setting in motion a Senate proceeding where we Senators would sit in muted silence, as my friend Mitch McConnell has pointed out, while our chamber becomes the stage for the most lurid and salacious testimony of which we and the American people are all too painfully aware and of which the public wants to hear no more.

Would whatever marginal benefit this testimony could provide outweigh the cost to the reputation of the Senate or the dignity of this institution?

I submit that we should not run the risk of allowing this institution to be used by anyone as a forum to appeal to the basest instincts of a few.

For these reasons, I would strongly urge you, my colleagues, not to run all the substantial risks to the conduct of this process and the reputation of our Senate by permitting the unnecessary procession of witnesses in the well of our chamber.

IMPEACHMENT TRIAL OF PRESIDENT WILLIAM JEFFERSON CLINTON

Mr. SESSIONS. Mr. President, the Constitution of the United States requires the Senate to convict and remove the President of the United States if it is proven that he has committed high crimes while in office. It has been proven beyond a reasonable doubt and to a moral certainty that President William Jefferson Clinton has persisted in a continuous pattern to lie and obstruct justice. The chief law officer of the land, whose oath of office calls on him to preserve, protect and defend the Constitution, crossed the line and failed to protect the law,

and, in fact, attacked the law and the rights of a fellow citizen. Under our Constitution, such acts are high crimes and equal justice requires that he forfeit his office. For these reasons, I felt compelled to vote to convict and remove the President from office.

THE FACTS

Facing a lawsuit the United States Supreme Court had upheld against him, President Clinton had to make a decision. He could tell the truth or lie and obstruct justice. He took the course of illegality. This case is not about an isolated false statement, it is about the President of the United States using his office, his power, his staff, and his popularity to avoid providing truthful answers and evidence that was relevant to a civil lawsuit. President Clinton's actions demonstrated a pattern of untruth and disdain for the legal system he had sworn to uphold.

OBSTRUCTION OF JUSTICE

President Clinton resisted the lawsuit from the time it was filed. Among other defenses, he argued that he, as the President, was not subject to the civil legal system while in office. The Supreme Court unanimously rejected this proposition. His legal arguments having failed, the President began to use illegal means to defeat the action. Since the truth would be damaging, he took steps to see that the truth concerning his relationship with Monica Lewinsky would never come out.

President Clinton began his obstruction of justice by denying to the court material truths. He first filed with the court false answers to written questions, interrogatories, under oath. He then bolstered his lies to the court by procuring from Monica Lewinsky a supporting false affidavit which he filed with the court. When questioned at his deposition about the truthfulness of the Lewinsky affidavit, President Clinton, without any hesitation, told the court that it was "absolutely true". The President then proceeded, confident in his obstruction of the truth, to lie repeatedly under oath about their relationship in the deposition.

Indeed, the President orchestrated a scheme to deceive the court, the public and the grand jury. The facts are disturbing and compelling on the President's intent to obstruct justice. When Monica Lewinsky received a subpoena for the gifts, the President knew that if they were produced, his relationship would be revealed. I believe Monica Lewinsky's testimony that she discussed with the President what to do with the gifts. I also believe that Betty Currie got the gifts from Monica Lewinsky and hid them under her bed only after approval from the President. Secreting evidence under subpoena is a crime. The President secured a job for Ms. Lewinsky in large part because he wanted her to file a false affidavit and

to continue to cover up their true relationship. The President coached his personal secretary twice to ensure that if she were called as a witness in the civil case she would not contradict his testimony given the day before. The President intentionally lied to aides in an effort to have them mislead the public and the grand jury. This is to me a clear pattern of obstruction of justice.

The most conclusive proof of obstruction of justice, however, is the most obvious. Clearly, the President succeeded at defeating the right of the Paula Jones attorneys to get discovery as they were entitled. He got away with it. But for the indisputable DNA evidence that was only produced when Ms. Lewinsky confessed seven months later, the obstruction would have continued to be successful. Even when confronted with this evidence at the grand jury in August the President chose to confuse the definition of words that have plain meanings instead of telling the truth.

PERJURY

From a strictly legal point of view the perjury count was not as clear as it might first appear. In fact, standing alone these perjury charges may have failed to be impeachable. However, the President made his false statements as part of a continuous pattern to obstruct justice and deceive. This pattern establishes the necessary criminal intent. The President before the grand jury continued to deny facts and details that are by their very nature important in a sexual harassment suit. The President also intentionally deceived the grand jury regarding his participation in the concealing of the gifts and lied regarding his effort to obstruct justice by coaching Betty Currie. His admissions, though significant, steadfastly failed to cover any issues that would establish that his previous actions were in violation of the law. The President denies that these statements are false. However, he has no reservoir of credibility left after he so persistently lied to the public for seven months. In my judgment these statements, which were aggravated by continuous lying to the American people, are sufficient under the circumstances of this case to warrant conviction on this article. The President was not obligated to appear before the grand jury, but if he chose to do so, he was obligated to tell the complete truth.

Each statement must be individually evaluated in a perjury case. The President's statements that he did not believe he had violated the law and that he was not paying "a great deal of attention" to his lawyers when they gave false information to the court are not credible. Even so, I believe they are too subjective in nature to be defined as clear acts of perjury under the law. The President's response to clearly worded questions were intentionally designed