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No. 161

Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, as the morning comes new every day, so are Your blessings new to us. Thank You for the blessing of Your presence that brightens this day, restores our faith, and fills us with peace. Thank You for the blessing of friends who support, encourage, and sustain us. Lord, thank You for the blessing of families who nurture and forgive and undergird us with love.

Thank You for the Members of this body, for their love of liberty, for their desire to make a positive impact on our world, and for their commitment to You. Guide them today so that Your will may be done on Earth even as it is done in heaven.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 8, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a live quorum to resume the impeachment trial of G. Thomas Porteous, Jr. Senators are encouraged to come to the floor immediately. Once a quorum is present, there will be a series of up to five rollcall votes in relation to the impeachment, the motion and articles in relation to the impeachment.

Upon conclusion of the impeachment proceedings, the Senate will recess subject to the call of the Chair in order to clear the Chamber. When the Senate reconvenes, we will resume consideration of the motion to proceed to S. 3991, the Public Safety Employer-Employee Cooperation Act, with the time until 12:30 p.m. equally divided and controlled between the two leaders or their designees.

The Senate will then recess from 12:30 p.m. until 3:30 p.m. to allow for a caucus the Democrats are having.

At 3:30 p.m., the Senate will resume consideration of the motion to proceed to S. 3991. There will then be a period of 30 minutes of debate. It will be equally divided and controlled between the leaders or their designees. Upon the use or yielding back of that time, the Senate will proceed to a series of up to four rollcall votes.

Mr. President, as to how we are going to schedule those votes, I have had in-

quiries from both sides. There are some issues tonight as to time, but we will do our best to be as cooperative as we can. We have a lot of votes we have to complete today. And I am likely going to move to my motion to reconsider on the Defense Authorization Act this evening, allowing, as I will indicate at that time, time for amendments to that piece of legislation. But I will be meeting with the Republican leader.

There is work being done on the tax issue. It is further along than most people would think. I do not think there is a great deal more work to be done on that, and then people can decide what they are going to do on it. I have a meeting contemplated with the Republican leader sometime later today to decide how we will proceed on that.

The votes this afternoon will be on the motion to proceed to the public safety matter I have just spoken about, the motion to proceed to the Emergency Senior Citizens Relief Act, the motion to proceed to the DREAM Act, and the motion to proceed to the Zadroga legislation which is the 9/11 Health and Compensation Act.

If cloture is invoked on a motion to proceed, there would then be 30 hours of debate, as we know.

IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.

Mr. REID. Mr. President, I suggest the absence of a quorum.

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

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

[Quorum No. 8]

| | | |
|-----------|------------|-----------|
| Akaka | Bennett | Bunning |
| Alexander | Bingaman | Burr |
| Barrasso | Bond | Cantwell |
| Bayh | Boxer | Cardin |
| Begich | Brown (MA) | Casey |
| Bennet | Brown (OH) | Chambliss |

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



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| | | |
|------------|-----------|-------------|
| Coburn | Inhofe | Nelson (NE) |
| Cochran | Inouye | Nelson (FL) |
| Collins | Isakson | Reed |
| Conrad | Johanns | Reid |
| Coons | Kerry | Risch |
| Corker | Klobuchar | Roberts |
| Cornyn | Kohl | Schumer |
| Crapo | Kyl | Shaheen |
| DeMint | Landrieu | Shelby |
| Dorgan | Leahy | Snowe |
| Durbin | LeMieux | Specter |
| Ensign | Levin | Tester |
| Enzi | Lieberman | Thune |
| Feingold | Lugar | Udall (CO) |
| Feinstein | Manchin | Udall (NM) |
| Franken | McCain | Vitter |
| Gillibrand | McCaskill | Voivovich |
| Graham | McConnell | Webb |
| Grassley | Menendez | Whitehouse |
| Gregg | Merkley | Wicker |
| Hagan | Murkowski | Wyden |
| Harkin | Murray | |

Mr. REID. Mr. President, is a quorum present?

The PRESIDENT pro tempore. A quorum is present. Senators will be seated.

COURT OF IMPEACHMENT

Under the previous order, a quorum having been established, the Senate will resume its consideration of the Articles of Impeachment against Judge G. Thomas Porteous, Jr.

(The House Managers, Judge Porteous, and counsel proceeded to the seats assigned to them in the well of the Chamber.)

The PRESIDENT pro tempore. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, Terrance W. Gainer, made the proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States Articles of Impeachment against G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the Senate deliberated yesterday evening for a long time on the Articles of Impeachment against Judge Porteous and related motions. We meet today to vote on the articles.

Before proceeding to vote on each of the articles, however, the Senate has agreed to vote on a motion that notwithstanding impeachment rule No. XXIII, the Senate shall disaggregate the Articles of Impeachment by holding preliminary votes on individual allegations in the articles.

Can the Chair confirm, for the benefit of Senators, that a "yes" vote is a vote to disaggregate the articles sought by Judge Porteous and a "no" vote is a vote to proceed directly to voting on the four Articles of Impeachment.

The PRESIDENT pro tempore. Before I proceed, will the panel be seated.

The majority leader is correct. The Senate will now vote on the motion to disaggregate the articles. Granting the motion requires a majority of Senators present.

VOTE ON MOTION TO DISAGGREGATE

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—yeas 0, nays 94, as follows:

[Rollcall Vote No. 260]

NAYS—94

| | | |
|------------|------------|-------------|
| Akaka | Feingold | Merkley |
| Alexander | Feinstein | Mikulski |
| Barrasso | Franken | Murkowski |
| Baucus | Gillibrand | Murray |
| Bayh | Graham | Nelson (NE) |
| Begich | Grassley | Nelson (FL) |
| Bennet | Gregg | Pryor |
| Bennett | Hagan | Reed |
| Bingaman | Harkin | Reid |
| Bond | Hatch | Risch |
| Boxer | Hutchison | Roberts |
| Brown (MA) | Inhofe | Rockefeller |
| Brown (OH) | Inouye | Schumer |
| Bunning | Isakson | Sessions |
| Burr | Johanns | Shaheen |
| Cantwell | Johnson | Shelby |
| Cardin | Kerry | Snowe |
| Casey | Klobuchar | Specter |
| Chambliss | Kohl | Stabenow |
| Coburn | Kyl | Tester |
| Cochran | Landrieu | Thune |
| Collins | Lautenberg | Udall (CO) |
| Conrad | Leahy | Udall (NM) |
| Coons | LeMieux | Vitter |
| Corker | Levin | Voivovich |
| Cornyn | Lieberman | Warner |
| Crapo | Lugar | Webb |
| DeMint | Manchin | Whitehouse |
| Dorgan | McCain | Wicker |
| Durbin | McCaskill | Wyden |
| Ensign | McConnell | |
| Enzi | Menendez | |

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—6

| | | |
|-----------|------|---------|
| Brownback | Dodd | Lincoln |
| Carper | Kirk | Sanders |

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I move to reconsider that vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, before proceeding to the final vote on the Articles of Impeachment, I ask unanimous consent that Senators may be permitted, within 7 days from today, to have printed in the RECORD opinions or statements explaining their votes and that the secretary be authorized to include these statements along with the record of the Senate's proceedings in a Senate document printed to complete the documentation of the Senate's handling of these impeachment proceedings.

The PRESIDENT pro tempore. Hearing no objection, it is so ordered.

The majority leader.

Mr. REID. Mr. President, I remind all Senators to remain in their seats during voting on all four Articles of Impeachment. Under impeachment rule XXII, once we have begun voting on

the first article, voting will proceed on each of the Articles of Impeachment. When their name is called, Senators shall rise from their seat and cast their vote. This will ensure that a decorum of the Senate is maintained while these grave proceedings are underway. These proceedings affect not only Judge Porteous but also the Senate and our system of government.

The Chair will shortly instruct the Members of the Senate on the question to be put and the manner of response.

The PRESIDENT pro tempore. The clerk will read the first Article of Impeachment.

The legislative clerk read as follows:

ARTICLE I

G. Thomas Porteous, Jr., while a Federal judge of the United States District Court for the Eastern District of Louisiana, engaged in a pattern of conduct that is incompatible with the trust and confidence placed in him as a Federal judge, as follows:

Judge Porteous, while presiding as a United States district judge in Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises, denied a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship with the law firm of Amato & Creely, P.C. which had entered the case to represent Liljeberg. In denying the motion to recuse, and in contravention of clear canons of judicial ethics, Judge Porteous failed to disclose that beginning in or about the late 1980s while he was a State court judge in the 24th judicial district in the State of Louisiana, he engaged in a corrupt scheme with attorneys, Jacob Amato, Jr., and Robert Creely, whereby Judge Porteous appointed Amato's law partner as a "curator" in hundreds of cases and thereafter requested and accepted from Amato and Creely a portion of the curatorship fees which had been paid to the firm. During the period of this scheme, the fees received by Amato and Creely amounted to approximately \$40,000, and the amounts paid by Amato and Creely to Judge Porteous amounted to approximately \$20,000.

Judge Porteous also made intentionally misleading statements at a recusal hearing intended to minimize the extent of his personal relationship with the two attorneys. In doing so, and in failing to disclose to Lifemark and its counsel the true circumstances of his relationship with the Amato & Creely law firm, Judge Porteous deprived the Fifth Circuit Court of Appeals of critical information for its review of a petition for writ of mandamus, which sought to overrule Judge Porteous's denial of the recusal motion. His conduct deprived the parties and the public of the right to the honest services of his office.

Judge Porteous also engaged in corrupt conduct after the Lifemark v. Liljeberg bench trial, and while he had the case under advisement, in that he solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash. Thereafter, and without disclosing his corrupt relationship with the attorneys of Amato & Creely PLC or his receipt from them of cash and other things of value, Judge Porteous ruled in favor of their client, Liljeberg.

By virtue of this corrupt relationship and his conduct as a Federal judge, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for, and confidence in, the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

The PRESIDENT pro tempore. The Chair will read, for the benefit of everyone present in the Chamber, paragraph 6 of rule XIX of the Standing Rules of the Senate, which states as follows:

Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

The Chair would deeply appreciate the cooperation of everyone in the Chamber and in the galleries in maintenance of order.

VOICE ON ARTICLE I

The Chair reminds the Senate that each Senator, when his or her name is called, will stand in his or her place and vote guilty or not guilty. Under the Constitution, conviction requires a vote of two-thirds present on any article.

The question is on the first article.

Senators, how say you? Is the respondent, G. Thomas Porteous, Jr., guilty or not guilty?

The rollcall is automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—guilty 96, not guilty 0, as follows:

[Rollcall Vote No. 261]

GUILTY—96

| | | |
|------------|------------|-------------|
| Akaka | Enzi | Menendez |
| Alexander | Feingold | Merkley |
| Barrasso | Feinstein | Mikulski |
| Baucus | Franken | Murkowski |
| Bayh | Gillibrand | Murray |
| Begich | Graham | Nelson (NE) |
| Bennet | Grassley | Nelson (FL) |
| Bennett | Gregg | Pryor |
| Bingaman | Hagan | Reed |
| Bond | Harkin | Reid |
| Boxer | Hatch | Risch |
| Brown (MA) | Hutchison | Roberts |
| Brown (OH) | Inhofe | Rockefeller |
| Bunning | Inouye | Sanders |
| Burr | Isakson | Schumer |
| Cantwell | Johanns | Sessions |
| Cardin | Johnson | Shaheen |
| Carper | Kerry | Shelby |
| Casey | Klobuchar | Snowe |
| Chambliss | Kohl | Specter |
| Coburn | Kyl | Stabenow |
| Cochran | Landrieu | Tester |
| Collins | Lautenberg | Thune |
| Conrad | Leahy | Udall (CO) |
| Coons | LeMieux | Udall (NM) |
| Corker | Levin | Vitter |
| Cornyn | Lieberman | Voivovich |
| Crapo | Lugar | Warner |
| DeMint | Manchin | Webb |
| Dorgan | McCain | Whitehouse |
| Durbin | McCaskill | Wicker |
| Ensign | McConnell | Wyden |

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—4

| | |
|-----------|---------|
| Brownback | Kirk |
| Dodd | Lincoln |

The PRESIDENT pro tempore. On this article of impeachment, 96 Senators have voted guilty, no Senator has voted not guilty. Two-thirds of the Senators present having voted guilty, the Senate accordingly adjudges that the respondent, G. Thomas Porteous, Jr., is guilty as charged in this article.

The Chair now asks the clerk to read the second article of impeachment.

The assistant legislative clerk read as follows:

ARTICLE II

G. Thomas Porteous, Jr., engaged in a longstanding pattern of corrupt conduct that demonstrates his unfitness to serve as a United States District Court judge. That conduct included the following: Beginning in or about the late 1980s while he was a State court judge in the 24th JDC in the State of Louisiana, and continuing while he was a Federal judge in the United States District Court for the Eastern District of Louisiana, Judge Porteous engaged in a corrupt relationship with bail bondsman Louis M. Marcotte, III, and his sister Lori Marcotte. As part of this corrupt relationship, Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. These official actions by Judge Porteous included, while on the State bench, setting, reducing, and splitting bonds as requested by the Marcottes, and improperly setting aside or expunging felony convictions for two Marcotte employees (in one case after Judge Porteous had been confirmed by the Senate but before being sworn in as a Federal judge). In addition, both while on the State bench and on the Federal bench, Judge Porteous used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench.

Accordingly, Judge G. Thomas Porteous, Jr., has engaged in conduct so utterly lacking in honesty and integrity that he is guilty of high crimes and misdemeanors, is unfit to hold the office of Federal judge, and should be removed from office.

VOICE ON ARTICLE II

The PRESIDENT pro tempore. Senators, how say you? Is the respondent, G. Thomas Porteous, Jr., guilty or not guilty?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—guilty 69, not guilty 27, as follows:

[Rollcall Vote No. 262]

GUILTY—69

| | | |
|-----------|------------|-------------|
| Barrasso | Franken | Nelson (NE) |
| Baucus | Gillibrand | Nelson (FL) |
| Bayh | Grassley | Pryor |
| Begich | Hagan | Risch |
| Bennet | Inhofe | Roberts |
| Bingaman | Isakson | Rockefeller |
| Boxer | Johanns | Sanders |
| Bunning | Johnson | Schumer |
| Cantwell | Kerry | Sessions |
| Cardin | Klobuchar | Shaheen |
| Carper | Kohl | Shelby |
| Casey | Kyl | Snowe |
| Coburn | Landrieu | Specter |
| Cochran | Lautenberg | Stabenow |
| Conrad | Leahy | Tester |
| Coons | Levin | Thune |
| Crapo | Lugar | Udall (CO) |
| DeMint | McCain | Udall (NM) |
| Dorgan | McConnell | Vitter |
| Durbin | Menendez | Voivovich |
| Enzi | Merkley | Warner |
| Feingold | Mikulski | Webb |
| Feinstein | Murray | Wyden |

NOT GUILTY—27

| | | |
|------------|-----------|------------|
| Akaka | Corker | LeMieux |
| Alexander | Cornyn | Lieberman |
| Bennett | Ensign | Manchin |
| Bond | Graham | McCaskill |
| Brown (MA) | Gregg | Murkowski |
| Brown (OH) | Harkin | Reed |
| Burr | Hatch | Reid |
| Chambliss | Hutchison | Whitehouse |
| Collins | Inouye | Wicker |

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—4

| | |
|-----------|---------|
| Brownback | Kirk |
| Dodd | Lincoln |

The PRESIDENT pro tempore. On this Article of Impeachment, 69 Senators have voted guilty, 27 Senators have voted not guilty. Two-thirds of the Senators present having voted guilty, the verdict on article II is guilty.

The Chair now calls upon the clerk to read the third article.

The assistant legislative clerk read as follows:

ARTICLE III

Beginning in or about March 2001 and continuing through about July 2004, while a Federal judge in the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., engaged in a pattern of conduct inconsistent with the trust and confidence placed in him as a Federal judge by knowingly and intentionally making material false statements and representations under penalty of perjury related to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case. Judge Porteous did so by—

No. 1, using a false name and post office box address to conceal his identity as a debtor in the case;

No. 2, concealing assets;

No. 3, concealing preferential payments to certain creditors;

No. 4, concealing gambling losses and other gambling debts; and,

No. 5, incurring new debts while the case was pending in violation of the bankruptcy court's order.

In doing so, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for and confidence in the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

VOICE ON ARTICLE III

The PRESIDENT pro tempore. The question is on the third Article of Impeachment. Senators, how say you? Is

the respondent, G. Thomas Porteous, Jr., guilty or not guilty?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—guilty 88, not guilty 8, as follows:

[Rollcall Vote No. 263]

GUILTY—88

| | | |
|------------|------------|-------------|
| Alexander | Ensign | Mikulski |
| Barrasso | Enzi | Murkowski |
| Baucus | Feingold | Murray |
| Bayh | Feinstein | Nelson (NE) |
| Begich | Gillibrand | Nelson (FL) |
| Bennet | Graham | Pryor |
| Bennett | Grassley | Reed |
| Bingaman | Gregg | Risch |
| Bond | Hagan | Roberts |
| Boxer | Harkin | Rockefeller |
| Brown (MA) | Hutchison | Sanders |
| Brown (OH) | Inhofe | Schumer |
| Bunning | Inouye | Sessions |
| Burr | Isakson | Shaheen |
| Cantwell | Johanns | Shelby |
| Cardin | Johnson | Snowe |
| Carper | Kerry | Specter |
| Casey | Klobuchar | Stabenow |
| Chambliss | Kohl | Tester |
| Coburn | Kyl | Thune |
| Cochran | Landrieu | Udall (CO) |
| Collins | Lautenberg | Udall (NM) |
| Conrad | Leahy | Vitter |
| Coons | LeMieux | Voinovich |
| Corker | Levin | Warner |
| Cornyn | Lugar | Webb |
| Crapo | McCain | Whitehouse |
| DeMint | McConnell | Wyden |
| Dorgan | Menendez | |
| Durbin | Merkley | |

NOT GUILTY—8

| | | |
|---------|-----------|--------|
| Akaka | Lieberman | Reid |
| Franken | Manchin | Wicker |
| Hatch | McCaskill | |

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—4

| | |
|-----------|---------|
| Brownback | Kirk |
| Dodd | Lincoln |

The PRESIDENT PRO TEMPORE. On this Article of Impeachment, 88 Senators have voted guilty, 8 Senators have voted not guilty. Two-thirds of the Senators present having voted guilty, the verdict on article III is guilty.

The Chair now calls upon the clerk to read the fourth Article of Impeachment.

The assistant legislative clerk read as follows:

ARTICLE IV

In 1994, in connection with his nomination to be a judge of the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge. These false statements included the following:

No. 1. On his Supplemental SF-86, Judge Porteous was asked if there was anything in his personal life that could be used by someone to coerce or blackmail him, or if there was anything in his life that would cause an embarrassment to Judge Porteous or the President if publicly known. Judge Porteous answered "no" to these questions and signed

the form under the warning that a false statement was punishable by law.

No. 2. During his background check, Judge Porteous falsely told the Federal Bureau of Investigation on two separate occasions that he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on his character, reputation, judgment, or discretion.

No. 3. On the Senate Judiciary Committee's "Questionnaire for Judicial Nominees", Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered that, to the best of his knowledge, he did not know of any unfavorable information that may affect [his] nomination. Judge Porteous signed that questionnaire by swearing that "the information provided in this statement is, to the best of my knowledge, true and accurate".

However, in truth and in fact, as Judge Porteous then well knew, each of these answers was materially false because Judge Porteous had engaged in a corrupt relationship with the law firm Amato & Creely, whereby Judge Porteous appointed Creely as a "curator" in hundreds of cases and thereafter requested and accepted from Amato and Creely a portion of the curatorship fees which had been paid to the firm and also had engaged in a corrupt relationship with Louis and Lori Marcotte, whereby Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench. Judge Porteous's failure to disclose these corrupt relationships deprived the United States Senate and the public of information that would have had a material impact on his confirmation. Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

VOTE ON ARTICLE IV

The PRESIDENT PRO TEMPORE. The question is on agreeing on the fourth Article of Impeachment. Senators, how say you? Is the respondent, G. Thomas Porteous, guilty or not guilty?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—guilty 90, not guilty 6, as follows:

[Rollcall Vote No. 264]

GUILTY—90

| | | |
|------------|-----------|------------|
| Akaka | Bunning | Crapo |
| Alexander | Burr | DeMint |
| Barrasso | Cantwell | Dorgan |
| Baucus | Carper | Ensign |
| Bayh | Casey | Enzi |
| Begich | Chambliss | Feingold |
| Bennet | Coburn | Feinstein |
| Bennett | Cochran | Gillibrand |
| Bingaman | Collins | Graham |
| Bond | Conrad | Grassley |
| Boxer | Coons | Gregg |
| Brown (MA) | Corker | Hagan |
| Brown (OH) | Cornyn | Hatch |

| | | |
|------------|-------------|------------|
| Hutchison | McCain | Sessions |
| Inhofe | McCaskill | Shaheen |
| Inouye | McConnell | Shelby |
| Isakson | Menendez | Snowe |
| Johanns | Merkley | Specter |
| Johnson | Mikulski | Stabenow |
| Kerry | Murkowski | Tester |
| Klobuchar | Murray | Thune |
| Kohl | Nelson (NE) | Udall (CO) |
| Kyl | Nelson (FL) | Udall (NM) |
| Landrieu | Pryor | Vitter |
| Lautenberg | Reed | Voinovich |
| Leahy | Risch | Warner |
| LeMieux | Roberts | Webb |
| Lieberman | Rockefeller | Whitehouse |
| Lugar | Sanders | Wicker |
| Manchin | Schumer | Wyden |

NOT GUILTY—6

| | | |
|--------|---------|-------|
| Cardin | Franken | Levin |
| Durbin | Harkin | Reid |

ABSENT, NOT VOTING OR EXCUSED FROM VOTING—4

| | |
|-----------|---------|
| Brownback | Kirk |
| Dodd | Lincoln |

The PRESIDENT pro tempore. On this Article of Impeachment, 90 Senators have voted guilty, 6 Senators have voted not guilty. Two-thirds of the Senators present having voted guilty, the verdict on article IV is guilty.

The Chair directs judgment to be entered in accordance with the judgment as follows: The Senate having tried G. Thomas Porteous, Jr., U.S. District Judge for the Eastern District of Louisiana, upon full Articles of Impeachment exhibited against him by the House of Representatives, and two-thirds of the Senate present having found him guilty of the charges contained in articles I, II, III, and IV, it is therefore ordered and adjudged that said G. Thomas Porteous, Jr., be and is hereby removed from office.

The majority leader.

Mr. REID. Mr. President, it is my understanding that Judge Porteous is forever disqualified to hold and enjoy any office of trust, honor, or profit of the United States; is that true?

The PRESIDENT pro tempore. The leader is correct.

Mr. REID. Mr. President, I have an order at the desk. I ask that it be stated.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Ordered, that the Secretary be directed to communicate to the Secretary of State, as provided by rule XXIII of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials, and also to the House of Representatives the judgment of the Senate in the case of G. Thomas Porteous, Jr. and transmit a certified copy of the judgment to each.

The PRESIDENT pro tempore. Without objection, the order will be entered.

The majority leader is recognized.

Mr. REID. Mr. President, I move that the Senate, sitting as a court of impeachment for the Articles of Impeachment on G. Thomas Porteous, Jr., adjourn sine die and that when we return to legislative session, Senators MCCASKILL and HATCH, the two managers of this legislation, be recognized for 5 minutes each.

The PRESIDENT pro tempore. The motion is agreed to.

The Senate sitting as a court of impeachment is adjourned sine die.

Mr. REID. Mr. President, I therefore move that this man, Judge Porteous, be disqualified from holding office at any time in the future in the United States.

The PRESIDENT pro tempore. Is there debate on the motion? If not, the question is on agreeing to the motion to disqualify Judge Porteous from any further office.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 265]

YEAS—94

| | | |
|------------|------------|-------------|
| Akaka | Feingold | Mikulski |
| Alexander | Feinstein | Murkowski |
| Barrasso | Franken | Murray |
| Baucus | Gillibrand | Nelson (NE) |
| Bayh | Graham | Nelson (FL) |
| Begich | Grassley | Pryor |
| Bennet | Gregg | Reed |
| Bennett | Hagan | Reid |
| Bond | Harkin | Risch |
| Boxer | Hatch | Roberts |
| Brown (MA) | Hutchison | Rockefeller |
| Brown (OH) | Inhofe | Sanders |
| Bunning | Inouye | Schumer |
| Burr | Isakson | Sessions |
| Cantwell | Johanns | Shaheen |
| Cardin | Johnson | Shelby |
| Carper | Kerry | Snowe |
| Casey | Klobuchar | Specter |
| Chambliss | Kohl | Stabenow |
| Coburn | Kyl | Tester |
| Cochran | Landrieu | Thune |
| Collins | Lautenberg | Udall (CO) |
| Conrad | Leahy | Udall (NM) |
| Coons | LeMieux | Vitter |
| Corker | Levin | Voivovich |
| Cornyn | Lugar | Warner |
| Crapo | Manchin | Webb |
| DeMint | McCain | Whitehouse |
| Dorgan | McCaskill | Wicker |
| Durbin | McConnell | Wyden |
| Ensign | Menendez | |
| Enzi | Merkley | |

NAYS—2

| | |
|----------|-----------|
| Bingaman | Lieberman |
|----------|-----------|

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—4

| | |
|----------|---------|
| Browback | Kirk |
| Dodd | Lincoln |

The PRESIDENT pro tempore. On this vote, the yeas are 94, the nays are 2. The Senate having tried G. Thomas Porteous, Jr., U.S. district judge for the Eastern District of Louisiana, upon four Articles of Impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present having found him guilty of the charges contained in articles I, II, III and IV of the Articles of Impeachment, it is therefore ordered and adjudged that the said G. Thomas Porteous, Jr., be, and he is hereby, removed from office; and that he be, and is hereby, forever disqualified to hold and enjoy any office or honor, trust, or profit under the United States.

The Chair will clarify that it requires a motion that the convicted official be

disqualified from ever holding an office of honor, trust, or profit under the United States. The Senate has just adopted such motion.

Mr. REID. Mr. President, I send an order to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the motion.

The legislative clerk read as follows:

Ordered that the Secretary be directed to communicate to the Secretary of State, as provided by rule XXIII of the rules of procedure and practice in the Senate when sitting on impeachment trials, and also to the House of Representatives, the judgment of the Senate in the case of G. Thomas Porteous, Jr., and transmit a certified copy of the judgment to each.

The PRESIDENT pro tempore. Without objection, the order will be entered.

The majority leader is recognized.

Mr. REID. Mr. President, I renew the request I made previously that the Senate, sitting as a court of impeachment for the Articles of Impeachment against G. Thomas Porteous, Jr., adjourn sine die, and as soon as we go to legislative session, Senator McCASKILL be recognized.

The PRESIDENT pro tempore. Without objection, the motion is agreed to, and the Senate, sitting as a court of impeachment, is adjourned sine die.

Mr. REID. Mr. President, I ask unanimous consent that the order previously entered be vitiated directing that the Senate recess subject to the call of the Chair.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. The Senate will return to legislative session.

The Senator from Missouri is recognized.

PORTEOUS IMPEACHMENT

Mrs. McCASKILL. Mr. President, our Constitution is a glorious thing. It is in fact the envy of the world. One of the most effective and elegant elements of the foundation of our government is the provisions that provide for the checks and balances of our three branches of government.

It has been an incredible honor to participate in the impeachment process that was devised by very wise people very long ago, which actually provides the American people the reassurance that the Constitution is working the way it was designed to work when it comes to the checks and balances of the three branches of government.

The responsibilities of the modern Congress, both the House and Senate, are extensive. I don't need to spend much time talking about how busy we are right now. But the fact that we set aside everything that we were doing and came together and sat as a Senate

and listened to the arguments and deliberated extensively about this impeachment should be reassuring to every American. I think the results are interesting in that it reflects that each Senator made an individual decision about the Articles of Impeachment. There was some unanimity on some of the counts, but on others it was Republicans and Democrats, conservatives and progressives, on both sides of the question. I think that shows the extent to which everybody made an independent judgment and took their responsibility very seriously.

I want to take a few minutes now to thank some people who are unsung heroes. Obviously, I thank the distinguished vice chairman, the Senator from Utah, for his support, experience, and wisdom in discharging the committee's duties. He was essential to this process and a great rock for me to lean on at many turns during this process. I also thank the 10 other members of the Impeachment Trial Committee for their devotion and diligence and commitment to this important work.

Then I want to take a couple of minutes to talk about the staff. I want to begin with Derron Parks, who is seated with me on the floor of the Senate. Derron walked into my office and was hired to be a legislative assistant for health care, in the middle of some pretty difficult times on health care. Then I said to him, "By the way, can you run an impeachment of a Federal judge, also?"

As a brandnew member of my staff, he took on incredible responsibilities. All of the thanks I have received belong to him because he worked hard, he worked smart, he was a great leader, and he did a remarkable job of marshaling a bunch of Senators, a bunch of staff, a bunch of witnesses, a bunch of evidence, a bunch of legal research, and he did it in a way that I think the Senate can be very proud.

Also, I thank Tom Jipping, Senator HATCH's staff person, who helped with this as the deputy staff director for the Impeachment Trial Committee. He also put in an incredible amount of work and gave a very valuable contribution.

Justin Kim, counsel, was very important because whenever there was a disagreement about what was the right road to take in terms of historical precedence, rule of law, decisions on motions, he was always a good sounding board. There was always more than one smart lawyer in the room so that the ideas could be bounced back and forth and somehow we could come up with the right answer based on the law, the Constitution, and historical precedent.

Rebecca Seidel was also very valuable to the committee. She is another counsel who was essential in this process.

Erin Johnson, deputy counsel and chief clerk, did, frankly, some of the most difficult work, and that was making sure we had a quorum during the trial, which was hard, as you can imagine. Keeping Senators in one seat for