The Senate met at 9:36 a.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, whose love for this Nation has been displayed so magnificently through our history, we praise You that Your presence fills this historic Chamber and enters into the minds of the Senators gathered here. Each of them is here by Your divine appointment. Together they claim Your promise, “Call upon Me in the day of trouble: I will deliver you.”—Ps.50:15.

We call upon You on this day of trouble in America as this impeachment trial comes to a close. You have enabled an honest, open debate of alternative solutions. Soon a vote will be taken. You have established a spirit of unity in the midst of differences. Most important of all, we know that we can trust You with the results. You can use what is decided and continue to accomplish Your plans for America. We entrust to Your care the President and his family. Use whatever is decided today to enable a deeper experience of Your grace in his life and healing in his family. We commit this day to You and thank You for the hope that fills our hearts as we place our complete trust in You. You are our Lord and Saviour. 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 majority leader is recognized.

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

ORDER OF PROCEEDURE

Mr. LOTT. For the information of all Senators, later on today, the Secretary of the Senate will be putting at each Senator’s desk something I think you will enjoy reading later. It is the prayers of the Chaplain during the impeachment trial. Subsequently, we plan to put it in a small pamphlet, because they truly have been magnificent. We thought you each would like to have copies.

The Senate will resume final deliberations now in the closed session. Thank goodness. At this point in the proceedings, there are approximately eight Members who still wish to speak or submit part of their speech into the RECORD.

Following those final speeches, the Senate will resume open session and proceed to the votes on the two articles of impeachment. I estimate that those votes will begin at approximately 11:30. However, the exact time will depend on the length of the remaining speeches, and also we will have to have a few minutes to open the Chamber and the galleries so that our constituents and our families can enter the galleries if they would like.

Following those votes, all Senators should remain at their desks as the Senate proceeds to several housekeeping items relating to the adjournment of the Court of Impeachment. So again, I emphasize, please, after the votes, don’t rush out of the Chamber because we have some very important proceedings to attend to, and I think you will enjoy them if you will stay and participate.

Under the consent agreement reached last night, following those votes, a motion relating to censure may be offered by the Senator from California, Senator Feinstein. If offered, Senator Gramm will be recognized to offer a motion relative to the Feinstein motion, with a vote to occur on the Gramm motion. Therefore, Senators may anticipate an additional vote or votes following the votes on the articles.

I thank the Senators. And I believe we are ready to proceed to the closed session.

Mrs. BOXER. Will the majority leader yield for a question?

Mr. LOTT. Yes.

Mrs. BOXER. Will there be intervening debate or no debate on any of those votes?

Mr. LOTT. In the UC that was reached last night, I believe we have 2 hours, which will be equally divided, for Senators to submit statements at that point or to make speeches if they would like. So I presume—after the votes, yes.

Mrs. BOXER. That is the question. Yes.

Mr. LOTT. I presume we will go on for a couple hours—2 or 3 o’clock in the afternoon, yes.

UNANIMOUS-CONSENT AGREEMENT—PRINTING OF STATEMENTS IN THE RECORD AND PRINTING OF SENATE DOCUMENT OF IMPEACHMENT PROCEEDINGS

Mr. LOTT. I would like to clarify one other matter. Senators will recall the motion approved February 9, 1999, which permitted each Senator to place in the CONGRESSIONAL RECORD his or her own statements made during final deliberations in closed session.

I ask unanimous consent that public statements made by Senators subsequent to the approval of that motion, with respect to his or her own statements made during the closed session, be deemed to be in compliance with the Senate rules. This would permit a Senator to release to the public his or her statement made during final deliberations in closed session, except that, in doing so, a Senator may not disclose any remarks of the other Senators made during deliberations, without the prior consent, of course, of that Senator.

I further ask unanimous consent that Senators have until Tuesday, February 23, 1999—that would be the Tuesday after we come back—to have printed statements and opinions in the CONGRESSIONAL RECORD, if they choose, explaining their votes.

Finally, I ask unanimous consent that the Secretary be authorized to include these statements, along with the full record of the Senate’s proceedings, the filings by the parties, and the supplemental materials admitted into evidence by the Senate, in a Senate document and printed under the supervision of the Secretary of the Senate, that will complete the documentation of the Senate’s handling of these impeachment proceedings.

Mr. REID. Mr. Leader, point of clarification. I had a couple of Members ask, does it take an affirmative act of a Senator to get their speech placed in the RECORD or does it happen automatically?

Mr. LOTT. I believe it does take an affirmative act. It is not automatic.

Mr. REID. To whom should that be given?

Mr. LOTT. It should be given to the clerks at the desk, or to Marty on your side, or to your secretary of the minority, or the secretary of the majority. They will get it into the RECORD at the right place.

So I believe, once again, we are ready to go to our closed session.

Mrs. HUTCHISON. Will the majority leader yield for a question?

Mr. LOTT. Yes.

Mrs. HUTCHISON. Does it require each person to ask unanimous consent to insert their remarks, just giving it?
Mr. LOTT. Yes. That has already been cleared.

If Senate have a unanimous consent request prompted.

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

The Senate will now go into closed session to complete its deliberations on the articles of impeachment. The Sergeant at Arms is directed to clear the galleries and close the doors of the Senate Chamber.

Mr. LOTT. Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

CLOSED SESSION

(At 9:44 a.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 12:04 a.m., at which time the following occurred.)

OPEN SESSION

Mr. LOTT. Will Senators return to their desks? Managers, thank you for joining us. Would Senators stand, and the gallery, as the Chief Justice enters the Chamber, please.

The CHIEF JUSTICE. The Senate will be in order.

Mr. LOTT. Mr. Chief Justice, Members of the Senate, the Senate has met almost exclusively as a Court of Impeachment since January 7, 1999, to consider the articles of impeachment against the President of the United States. The Senate meets today to conclude this trial by voting on the articles of impeachment, thereby, fulfilling its obligation under the Constitution. I believe we are ready to proceed to the votes on the articles. And I yield the floor.

The CHIEF JUSTICE. The Chair would inform those in attendance in the East and West galleries, that under rule XIX of the Standing Rules of the Senate, demonstrations of approval or disapproval are prohibited, and it is the duty of the Chair to enforce order on its own initiative.

The CHIEF JUSTICE. The Chair will now read the first Article of impeachment.

The legislative clerk read as follows: ARTICLE I

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States and in violation of his constitutional duty to take care that the laws be evenly executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exonation, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton and no other witness and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate Government employee; (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disgrace upon the Presidency, and has betrayed his trust as President, and has actuated in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and engage in any office of honor, trust, or profit under the United States.

The CHIEF JUSTICE. 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' as required by rule XXIII of the Senate rules on impeachment.

The Chair also refers to article I, section 3, clause 6, of the Constitution regarding the vote required for conviction. Quote: ''[N]o Person shall be convicted without the Concurrence of two-thirds of the Members present.''

VOTE ON ARTICLE I

The CHIEF JUSTICE. The question is on the first article of impeachment. Senators, how say you? Is the respondent, William Jefferson Clinton, guilty or not guilty? A rollcall vote is required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SPECTER (When his name was called). Not proven, therefore not guilty.

The result was announced—guilty 45, not guilty 55, as follows:

(Rollcall Vote No. 17)

Subject: Article I—Articles of Impeachment Against President William Jefferson Clinton

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<th>Name</th>
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| Conrad          | Kennedy
| Daschle         | Bobb  |
| Dasco           | Kerry |
| Dodd            | Kiol  |
| Doran           | Sarbanes
| Dunn            | Schumer
| Edwards         | Shelby|
| Frenzgold       | Smith |
| Furguson        | Stevens
| Gorton          | Steven
| Graham          | Lieberman
| Harkin          | Lincoln|
| Hollings        | Mishalski
| Hollings        | Nymihan
| Inhofe          | Wyden |
| Jeffords        | Reed  |
| Johnson         | Wyden |

The CHIEF JUSTICE. On this article of impeachment, 45 Senators have pronounced William Jefferson Clinton, President of the United States, guilty as charged, 55 Senators having pronounced him not guilty, two-thirds of the Senators present not having pronounced him guilty, the Senate adjudge that the respondent, William Jefferson Clinton, President of the United States, is not guilty as charged in the first article of impeachment.

ARTICLE II

The CHIEF JUSTICE. The clerk will read the second article of impeachment.

The legislative clerk read as follows: ARTICLE II

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be evenly executed, has willfully encouraged, or supported a scheme to conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included one or more of the following acts:

(1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.

(2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.

(3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

(4) Beginning on or about July 7, 1998, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him.

(5) On January 17, 1998, at his deposition in a Federal civil rights action brought against...
The CHIEF JUSTICE. The galleries will be in order.

On this article of impeachment, 50 Senators having pronounced William Jefferson Clinton, President of the United States, guilty as charged, 50 Senators having pronounced him not guilty, two-thirds of the Senators present not having pronounced him guilty, the Senate adjudges that the respondent, William Jefferson Clinton, President of the United States, is not guilty as charged in the second article of impeachment.

The Chair directs judgment to be entered in accordance with the judgment of the Senate as follows:

Whereas, by his manner of presiding over the Senate, Chief Justice Rehnquist has contributed greatly to the Senate’s conduct of procedural rules in spite of the differences that separate their two parties on matters of substance.

I have been impressed by the quality of the debate in closed session on the entire question of impeachment as provided for under the Constitution. Agreed-upon procedures for airing on substantive divisions must be the hallmark of any great deliberative body.

Our work as a Court of Impeachment is now done. I leave you with the hope that our several paths may cross again under happier circumstances.

The majority leader, Mr. LOTT, Mr. Chief Justice, we thank you for your comments.

EXPRESSION OF GRATITUDE TO THE CHIEF JUSTICE OF THE UNITED STATES

Mr. LOTT. I send a resolution to the desk.

The CHIEF JUSTICE. The clerk will read the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 37) to express gratitude for the service of the Chief Justice of the United States as Presiding Officer during the impeachment trial.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 37 introduced earlier today by Senator LOTT and Senator DASCHLE.

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

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements that Senators wish to make on this resolution be printed at this point in the RECORD.

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

The resolution (S. Res. 37) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 37

Whereas Article I, section 3, clause 6 of the Constitution of the United States provides that, when the President of the United States is tried on articles of impeachment, the Chief Justice of the United States shall preside over the Senate;

Whereas, pursuant to Rule IV of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, on January 6, 1999, the Senate notified William H. Rehnquist, Chief Justice of the United States, of the time and place fixed for consideration of the articles of impeachment against William Jefferson Clinton, President of the United States, and requested him to attend;

Whereas, in the intervening days since January 6, 1999, Chief Justice Rehnquist has presided over the Senate, when sitting on the trial of the articles of impeachment, for long hours over many days;

Whereas, by his manner of presiding over the Senate, Chief Justice Rehnquist has contributed greatly to the Senate’s conduct of
fair, impartial, and dignified proceedings in the trial of the articles of impeachment.

Whereas the Senate and the Nation are indebted to Chief Justice Rehnquist for his distinguished and valued service in fulfilling his constitutional duty to preside over the Senate in the trial of the articles of impeachment; Now, therefore, be it

Resolved, That the Senate expresses its profound gratitude to William H. Rehnquist, Chief Justice of the United States, for his distinguished service in presiding over the Senate, while sitting on the trial of the articles of impeachment against William Jefferson Clinton, President of the United States.

SEC. 2. The Secretary shall notify the Chief Justice of the United States of this resolution.

Mr. LOTT. Mr. Chief Justice, on behalf of myself and the entire U.S. Senate, we want to offer you our thanks and the gratitude of the American people for your service to the Nation and throughout this Impeachment Court and this institution.

As our Presiding Officer during most of the last 5 weeks, you have brought to our proceedings a gentle dignity and an unflinching sense of purpose, and sometimes sense of humor.

The majority leader realized when it was time to take a break and not to take a break when the Chief Justice said let’s go forward.

By placing duty above personal convenience and many other considerations, you have taught a lesson in dedication and the long hours, the patience, and to this institution.

Mr. LOTT. The committee will go to the podium to escort the Chief Justice from the Chamber.

Whereupon, the Committee of Escort: Mr. Thurmond, Mr. Roth, Mr. Domenici, Mr. Sabinas, Mr. Moynihan, and Mrs. Lincoln, escorted the Chief Justice from the Chamber.

The PRESIDING OFFICER (Mr. Enzi). The Sergeant at Arms will escort the House managers out of the Senate Chamber.

Whereupon, the Sergeant at Arms escorted the House managers from the Chamber.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senate will please come to order. The majority leader.

Mr. LOTT. Mr. President—I almost called you Mr. Chief Justice; I have to get used to this, going back to “Mr. President”—before Senator Feinstein is recognized, I must take just a moment further to recognize a few individuals, and I know Senator Daschle would like to do that. In addition to the Chief Justice and his assistants who were here throughout—

Mrs. HUTCHISON. Mr. President, I believe the White House attorneys should have the same privilege of being escorted out.

Mr. LOTT. I think we will ask Senator Nickles to handle that. (Laughter.)

The PRESIDING OFFICER. The White House counsel will be escorted from the Chamber.

Whereupon, White House counsel were escorted from the Chamber.

LEGISLATIVE SESSION

ESCORTING OF THE CHIEF JUSTICE

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THANKING SENATE STAFF

Mr. LOTT. Mr. President, if I could resume, I thank the assistants who came with the Chief Justice from the Supreme Court. I thank the Secretary of the Senate, Gary Visco; the Sergeant at Arms, Jim Ziglar; and the Deputy Sergeant at Arms, Loretta Symms, who also gave us our instructions—the first time in history, I am sure, that a woman called the Senate to order.

I also wish to thank the Secretary of the majority, Elizabeth Letchworth; counsel of the Senate, Tom Griffith, and deputy Morgan Frankel, our special impeachment counsel, Mike Wallace; my chief of staff, Dave Hoppe—who has just been tremendous and worked untold hours—and also all of our assistants at the desk—and especially our friend Scott Bates—for their wonderful work. I want the RECORD to reflect how much we appreciate the dedication and the long hours, the patience, and the competence of all these staff members.

I would like to yield to Senator Daschle for his comments in this area.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I know I speak for all of my colleagues on this side of the aisle, sharing the expressions of gratitude that Senator LOTT has just articulated for all of our staff. They have done a remarkable job. He mentioned all those who work for all of us. Let me mention a couple of people who work for those of us on this side: Bob Bower, Bill Corr, Pete Rouse, Marty Paone, and so many people who were particularly responsible for the fact that we were able to conduct our work so effectively throughout this very difficult challenge.

So on behalf of the Democratic Caucus, we join with Senator LOTT in expressing our deep sense of gratitude for the great, great job that they have done in these difficult weeks that we have now concluded.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

APPRECIATION TO THE LEADERSHIP

Mr. CHAFEE. I wonder if this isn’t an appropriate time to express our appreciation to our two leaders for guiding us through these very difficult times.

(Applause, Senators rising.)

CENSURE RESOLUTION

Mr. ASHCROFT. Mr. President, the debate we will be having in the Senate is on whether to suspend the rules of the Senate to consider a resolution censuring the President’s conduct.

A motion will be made to indefinitely postpone the motion to suspend the rules. These votes will occur before Senators have the opportunity to