

S. 223

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 223, a bill to help communities modernize public school facilities, and for other purposes.

S. 264

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 264, a bill to increase the Federal medical assistance percentage for Hawaii to 59.8 percent.

S. 270

At the request of Mr. WARNER, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 270, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. HOLLINGS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of Senate Joint Resolution 6, A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

ADDITIONAL STATEMENTS

SENATOR BYRD'S FINEST HOUR

Mr. HOLLINGS. Mr. President, on behalf of myself, Senator STEVENS and Senator DODD: George Santayana stated, "Those who disregard the lessons of history are bound to repeat them." The United States Senate is too politically charged and it would be more so were it not for the distinguished Senator from West Virginia, ROBERT C. BYRD. A couple of weeks ago the Senate was about to go over the precipice of partisanship. Fortunately, we agreed to have an off-the-record session of all Senators. That alone would not have prevented our reckless course, but it did give all Senators an opportunity to hear Senator BYRD at his finest hour. He commenced by thanking Senator DANIEL AKAKA for leading us in prayer, harkening the time Benjamin Franklin took to the floor of the Continental Convention to call on divine guidance for cooperation and bipartisanship. Then Senator BYRD continued to calm partisan zeal and give us all a sense of historic perspective. We started talking sense instead of politics. It got us together. We could have gone the way of the House, but Senator BYRD is the one who put us on the right path. In appreciation for his leadership, we think the country could benefit by reading Senator BYRD's comments. I ask that the full text of Senator BYRD's remarks be printed in the RECORD.

The remarks follow:

REMARKS OF SENATOR ROBERT C. BYRD—BIPARTISAN CONFERENCE IN THE OLD SENATE CHAMBER, JANUARY 8

My colleagues, I thank the Majority Leader and the Minority Leader for bringing us together in this joint caucus. Mr. Daschle asked me last evening to be prepared to speak this morning following the remarks of the two leaders. I am flattered and honored to do so. Having a proclivity to speak at length on subjects that are close to my heart and about which I feel deeply, I have taken the precaution this morning to prepare some remarks in order that I might present them in an organized fashion and thus avoid speaking as long as I might otherwise be wont to do. I shall, however, add some extemporaneous remarks as the spirit of the occasion leads me.

Before proceeding with the thoughts that I have put in writing, I wish to remind ourselves that we do, indeed, have not only the standing rules of the Senate, but we also have the standing rules for our guidance in impeachment trials. This bound copy of rules governing impeachment trials that I hold in my hand was published in 1986 as a result of a resolution which former Senator Robert Dole and I offered for referral to the Rules Committee, at which time we called on that Committee to update and provide any proposed modifications or revisions to the rules that had been in existence from the year 1868 when the impeachment trial of President Andrew Johnson took place.

The rules which the Senate approved in 1986 were followed during the impeachment trials of the three Federal judges: Claiborne, Hastings, and Walter Nixon. In listening to some of the comments on television last evening, I noted that when news reporters interviewed tourists, those visitors to this city were under the impression that the Senate was proceeding into a trial without any rules for guidance. Some of the representatives of the news media were also under this mistaken impression. I am concerned about the public perception that we are proceeding to a trial without any rules to guide us. Therefore, I trust that we will all make it clear as we work with the press that the Senate, indeed, has a set of standing rules to guide us in this trial.

Before I begin my prepared remarks, I wish to thank the Majority Leader and the Minority Leader for calling on Senator Akaka to deliver prayer. They chose the right Senator to lead us in prayer, and I thank Danny. His prayer set just the right tone and the right spirit for his occasion. In the midst of Danny's prayer, I recalled that day which came during the Constitutional Convention in Philadelphia, when the Framers were encountering difficult problems, and their spirits were at a low ebb. There was dissension and divisiveness, and their hopes for success in achieving their goal were fading. Things seemed to be falling apart. Their dreams of fashioning a new Constitution—the Articles of Confederation being our first national Constitution—appeared to be growing dim. The new Ship of State which they hoped to launch was floundering in troubled waters with rocks and shoals upon every hand. Dark clouds of despair were closing in upon them, and the Framers were brought face-to-face with the stark possibility of failure.

It was then, at that fateful moment, that the oldest man at the Convention, Benjamin Franklin, stood to his feet and addressed the chair in which sat General George Washington: "Sir, I have lived a long time, and the longer I live the more convincing proofs I see that God still governs in the affairs of men. And if a sparrow cannot fall to the ground without our Father's notice, is it probable that we can build an empire without our Fa-

ther's aid? We have been assured, sir, in the sacred writings, that, 'Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain.' I firmly believe this; and I also believe that without our Father's aid, we shall succeed in this political building no better than did the builders of Babel. I, therefore, beg leave, sir, to move that, henceforth, prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service."

Franklin's motion was seconded by Mr. Sherman.

My colleagues, let us proceed in these deliberations this morning in a spirit of prayerfulness and cooperation and bipartisanship, and see if we, too, in our generation may produce something worthy of being remembered.

I speak from the viewpoint of having a long and varied experience in legislative bodies. I was born during the Woodrow Wilson Administration. I was sworn in as a new member of the House of Representatives during the final days of the Truman Administration. He is my favorite Democratic President in my lifetime. I having been sworn in as a new member of Congress in January 1953, I have served longer in Congress than has any man or woman in either House of Congress today. Dizzy Dean said that it is alright to brag if you've done it. Well I have done it! No member of Congress in either House today was here when I first became a member 46 years ago.

I also try to take the long view of the history that is yet before us. This country has a long history ahead of it, and the things we do here, the service we perform, our words and our deeds will be long remembered and long recorded.

As we proceed to the unpleasant task that awaits us in the days ahead, let us remember that this is not a trial in a court of law. It is not a criminal trial. It is a political trial. The Nation will be watching us, and I implore us all to conduct ourselves in a way that will bring honor to this body. I view the immediate future with considerable dread. There is a poison in the air, and it is not the flu virus, and there is no antibiotic that can be prescribed for it. It is a bitter political partisanship, and if we let it control us in the impeachment trial, we will find it to be lethal, and we will die together.

From time to time there occur events which rise above the everyday, and sorely test the leaders of men and the institutions they create.

This is such a time. For it is not only William Jefferson Clinton who is on trial. It is this August body and all of us who carry the title of Senator.

The White House has sullied itself. The House of Representatives has fallen into the black pit of partisan self-indulgence. The Senate is teetering on the brink of that same black pit.

Meanwhile, the American people look in vain for the order and leadership promised to them by the Constitution. Of one thing I am sure: the public trust in all of the institutions of government has severely suffered.

Senators, this is the headline, I had so hoped we could avoid. I have in my hand this morning's Washington Times bearing the headline: "Trial Opens Amid Pomp, Partisanship." It is the word "partisanship" that is troubling.

Any of you who have read your mail or the phoned-in comments from your constituents knows that the anger and disappointment is only growing in intensity with each day that we prolong this painful ordeal.

I have always believed that whatever the crisis and whatever the age, the Senate would always attract and produce men and women of the quality and character needed to step up and calm the angry and dangerous seas which might threaten the Ship of State, and dash it on the rocks and shoals.

I still believe that. I still believe that the Senate can restore some order to the anger which has overtaken this country and the chaos which threatens this city. I believe in all of you. I believe that all of the courage and conviction needed to handle any crisis is present right in this room.

But, at this moment, we look very bad. We appear to be dithering and posturing and slowly disintegrating into the political quicksand. And it is no fault of our leaders. Our two leaders have done their level best to get us started toward lancing this inflamed boil in an honorable and orderly way. Left alone, without all of us to contend with, they would have worked these arrangements out long ago.

Of course, I am very fond and proud of my own Leader, Tom Daschle. But, may I say to my Republican friends that I am also very fond and proud of our Majority Leader, Mr. Lott. However, I have been a Majority Leader in this body, and I know too well who gets the blame when important matters flounder in the Senate. It is the Majority Leader and, to a lesser degree, the Minority Leader. And when that happens, neither party looks good.

I feel it to be appropriate at this point to digress from my prepared statement and bring to your recollection Chaucer's "Canterbury Tales," and I shall refer to the "Pardoner's Tale," which most, if not all, of you will remember having read in your school days. The setting took place in Flanders, where, once, there sat drinking in a tavern three young men who were given to folly. As they sat, they heard a small bell clink before a corpse being carried to the grave, whereupon, one of them called to his knave and ordered him to go and find out the name of the corpse that was passing by.

The boy answered that he already knew, and that it was an old comrade of the roisterers who had been slain while drunk by an unseen thief called Death, who had slain others in recent days.

Out into the road the three young ruffians went in search of this monster called death. They came upon an old man, and seized him and with rough language demanded that he tell them where they could find this cowardly adversary who was taking the lives of their good friends in the countryside.

The old man pointed to a great oak tree on a nearby knoll, saying, "There, under that tree, you will find Death." In a drunken rage, the three roisterers set off in a run 'til they came to the tree, and there they found a pile of gold—eight basketfuls, of florins, newly minted, round coins. Forgotten was the monster called Death, as they pondered their good fortune, and they decided that they should remain with the gold until nightfall when they would divide it among themselves and take it to their homes. It would be unsafe, they thought, to attempt to do so in broad daylight, as they might be fallen upon by thieves who would take their treasure from them.

It was proposed that they draw straws, and the person who drew the shortest cut would go into the nearby village and purchase some bread and wine which they could enjoy as they whiled away the daylight hours. Off towards the village the young man went. When he was out of sight, the remaining two decided that there was no good reason why this fortune should be divided among three individuals, so one of them said to the other: "When he returns, you throw your arm around him as if in jest, and I will rive him

with my dagger. And, with your dagger, you can do the same. Then, all of this gold will be divided just between you and me."

Meanwhile, the youngest rouge, as he made its way into the town, thought what a shame it was that the gold would be divided among three, when it could so easily belong only to the ownership of one. Therefore, in town, the young man went directly to an apothecary and asked to be sold some poison for large rats and for a polecat that had been killing his chickens. The apothecary quickly provided some poison, saying that as much as equalled only a grain of wheat would result in sudden death for the creature that drank the mixture.

Having purchased the poison, the young villain crossed the street to a winery where he purchased three bottles—two for his friends, one for himself. After he left the village, he sat down, opened two bottles and deposited an equal portion in each, and then returned to the oak tree, where the two older men did as they had planned. One threw his arm playfully around the shoulders of the third, they buried their daggers in him, and he fell dead on the pile of gold. The other two then sat down, cut the bread and opened the wine. Each took a good, deep swallow, and, suffering a most excruciating pain, both fell upon the body of the third, across the pile of gold. All three were dead.

Their avarice, their greed for gain had destroyed them. There is a lesson here. The strong temptation for political partisanship can tear the Senate apart, and can tear the Nation apart, and confront all of us with destruction.

I ask everyone here who might be tempted, to step back from the brink of political gamesmanship. I ask everyone here who might harbor such feelings to abandon any thought of mean-spirited, destructive, vengeful, partisan warfare. It is easy to get caught up in the poison of bitter, self-consuming partisanship when faced with such situations as the one which confronts us now.

Witnesses are the main sticking point. I try to put myself in the shoes of our GOP friends. At least 13 House members are pushing you.

They had the opportunity to call witnesses but didn't. I watched all House proceedings. It seems to me that with such a mass of evidence, nothing new will be added. We must avoid a repetition of what the House has just gone through.

I urge all of us to step back and think about it. What can possibly be served in this unique court of impeachment by having a repeat of what we have already seen?

I implore us all to endeavor to lift our eyes to higher things. We can perform some much needed healing on the body politic. We can start by disdaining any more of the salacious muck which has already soiled the gowns of too many. If we can come together in a dignified way to orderly and expeditiously dispose of this matter, then perhaps we can yet salvage a bit of respect and trust from the American people for all of us, for the Senate, and for their institutions of government.

There have been only 1,851 Senators from the beginning of this Republic, and that includes all of us. We have a duty at this critical time to rise above politics-as-usual, in which we eat one another and, in so doing, eat ourselves. Let us put the nation first. The American people want us to do that. In the long run, that is how we will be judged, and, more importantly, it is how the Senate will be judged. The Constitution makes no reference to political party. The constitutional provision concerning impeachment makes no mention of political party. There were no political parties at the time the Constitution was written.

When this is all over and this matter is behind us—and that time will surely come—

then we can be politically partisan if we wish, as various legislative matters come before us. That is all in the natural course of things. Republicans and Democrats can go at each others throats politically if that is what they desire. But this is not a time for political partisanship. We will be sitting in judgment of a President. And we should be guided by our oath that, in all things appertaining to the trial of William Jefferson Clinton, we shall do impartial justice according to the Constitution and the laws.

Let us be guided by higher motives, by what is best for the Republic, and by how future history will judge us. We need a surer foundation than political partisanship, and that sure foundation is the Constitution.

The Senate was the preeminent spark of genius by the Framers. It was here that passions would be cooled. The Senate would be the stabilizing element when confronted with the storms of political frenzy and the silent arts of corruption.

Let us be true to the faith of our fathers and to the expectations of those who founded this Republic. The coming days will test us. Let us go forward together, hoping that in the end, the Senate will be perceived as having stood the test. And may we—both Republicans and Democrats—when our work is done, be judged by the American people and by the pages of future history as having done our duty and done it well. Our supreme duty is not to any particular person or party, but to the people of the Nation and to the future of this Republic.

It is in this spirit that we may do well to remember the words of Benjamin Hill, a great United States Senator from the State of Georgia, inscribed, as they are, upon his monument:

Who saves his country
Saves all things,
Saves himself

and all things saved do bless him.

Who lets his country die
Let's all things die,
Dies himself ignobly,
And all things dying curse him.

Thank you, my friends, thank you.●

MOTION TO DISMISS ARTICLES OF IMPEACHMENT AGAINST WILLIAM JEFFERSON CLINTON

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

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