must be stated with particularity and specificity. The allegations here have not been so stated. That lack of specificity is manifestly unfair to the President. And it is detrimental to the Senate's ability to discharge its responsibility as the trier of fact in this case.

The second fatal structural flaw in the Articles is that the Managers have aggregated multiple allegations of wrongdoing into single Articles. Article I allows the President to be impeached for ''one or more'' of four enumerated, unspecified categories of alleged misconduct. Similarly, in Article II he is alleged to have obstructed justice in ''one or more'' of seven ways. This smorgasbord approach to the allegations creates the deeply troubling prospect that the President could be convicted and removed without two-thirds of the Senate agreeing on what precisely he did wrong. For this reason, too, dismissal is appropriate.

Dismissal is, finally, appropriate because the facts undergirding the managers' case do not prove the criminal wrongdoing the managers allege. Manager MCCOLLUM told the Senate that it must first find criminal wrongdoing and then determine whether to remove the President from office. While it is left to each Senator to determine the standard of proof he or she will use to judge the evidence, manager MCCOLLUM's own analysis suggests that that standard should be beyond a reasonable doubt. After all, that is the standard used in all other criminal cases; why should the President be subjected to any lower standard than that to which all citizens are entitled? Indeed, he should not—not only because he deserves no less fairness than other citizens, but also because this high standard of proof is appropriate to the gravity of the sanction the Senate is being asked to impose.

In my view, the Managers have failed to prove criminal culpability on the part of the President beyond a reasonable doubt. The record is replete with exculpatory, contradictory, and ambiguous facts.

Consider, for example, these:

(1) Ms. Lewinsky—who was questioned some 22 times by investigators, prosecutors, and grand jurors (not to mention twice by the Managers themselves)—said under oath that neither the President nor anyone else ever asked her to lie.

(2) She also said—again, under oath—that no one ever promised her a job for her silence.

(3) Further, she stated without contradiction that the President did not suggest that she return the gifts given her by the President to him or anyone else on his behalf.

(4) Betty Currie, the President's secretary—who was questioned some nine times—likewise testified that the President did not suggest that the gifts to Ms. Lewinsky be returned.

(5) She also said that she never felt pressure to agree with the President when he spoke with her following the Jones deposition, and, indeed, felt free to disagree with his recollection.

(6) Lastly, the Managers argued that a December 11, 1997 ruling by the judge in the Jones case, permitting the calling of witnesses regarding the President's conduct, triggered intensive efforts that very day by the President and Vernon Jordan to help Ms. Lewinsky find a job. We now know that the facts contradict that account of the Managers. A meeting on that date between Mr. Jordan and Ms. Lewinsky was scheduled three days earlier. It was held several hours before the judge's ruling. And at the time of that ruling, Mr. Jordan was on an airplane bound for Holland.

In addition, factual discrepancies between the President and Ms. Lewinsky—about when their relationship began, about the nature of the inappropriate contacts between them, about the number of those contacts, and about the number of inappropriate telephone calls between them—amount to differences in recollection that in no way can be considered criminal on the part of the President. More fundamentally, they cannot be considered material to this proceeding. Not even the Office of Independent Counsel considered these discrepancies relevant or material to the matter at hand. It cannot reasonably be argued, in any event, that the President should be removed from his office because of them.

For all of these reasons—the failure of the Managers to prove beyond a reasonable doubt that the President committed criminal wrongdoing, the structural flaws in the Articles themselves, and the failure of the allegations, even if proven, to warrant the unprecedented action of conviction and removal—these Articles should be dismissed. We have reviewed enough evidence, heard enough arguments, and asked enough questions to know with reasonable certainty that the flaws in the Managers' case cannot be remedied. We know enough to decide this matter now. The national interest is best served not by extending this proceeding needlessly, but by ending it.

I regret that the Senate has failed to do that. But I continue to believe that we must dispose of this matter as soon as possible so we can return to the other important business of the nation.●

OPPOSITION TO MANAGERS' MOTION FOR THE APPEARANCE OF WITNESSES

● Mr. DODD. Mr. President, last week the Senate, sitting as a court of impeachment, voted on a motion by the Managers for the appearance of witnesses and to admit evidence not in the trial record. I opposed this motion, and would like to briefly state my reasons for doing so.

While the motion carried, the fact that it was opposed by forty-four Senators demonstrates that a large number of our colleagues believe that the record of this case is sufficient to allow Senators to decide on the articles of impeachment. Indeed, it is not merely sufficient, it is voluminous. As I will discuss more fully below, neither the Managers nor counsel for the President would in any way be harmed by a requirement that they rely on the record as presently constituted.

Let me concede at the outset that this motion is not an easy one to decide. There is an argument to be made for calling witnesses. Our colleagues who believe there ought to be witnesses are motivated by earnest reasons.

However, the issue for us is not whether there is a case for witnesses. It is this: do we need to hear from witnesses in order to fulfil our responsibility as triers of fact? The answer to that question, in my opinion, is no. We know enough to decide this case, and decide it now.

There may be legitimate reasons for calling witnesses. But the reasons for not calling them are compelling.

There are five reasons, in particular, that strongly argue against the motion.

First, the record is more than sufficient to allow the Senate to decide this case. We are all painfully familiar with the essential details of this matter. Like most Americans, we have been subjected to the blizzard of media attention paid to it from its very start just over a year ago.

This is not 1868, when only a handful of people could witness the last presidential impeachment. One hundred and thirty years later, we can receive an Independent Counsel's voluminous and graphic report over the Internet literally at the moment it is made available to the public. We can witness the proceedings of the House Judiciary Committee live on television. We can observe the televised impeachment proceedings in the House chamber as if we are there.

This trial is now in its fourth week. We have been provided with massive portions of a record that exceeds 67,000 pages in length. We have heard days of arguments. Ninety of us have asked some 105 questions to the House Republican Managers and to counsel for the President.

So I daresay that the facts of this case have been drilled into our consciousness—relentlessly, overwhelmingly, and, it seems endlessly.

I should add one more adverb: repeatedly. And that leads to the second reason for not calling witnesses: they have testified repeatedly and without contradiction on the key facts.

Again and again, the record shows the same questions asked of the same witnesses. Ms. Lewinsky has been questioned a total of twenty-three times, Ms. Currie nine times, Mr. Jordan six times, and Mr. Blumenthal five times. They were asked hundreds upon hundreds of questions—by some of the toughest, shrewdest legal minds in the country. Their testimony fills in excess of two thousand five hundred pages of the trial record.

What is the likelihood that prolonging this trial to hear from these and possibly other witnesses will bring new details to light that could change the outcome of this trial? Regarding at least one witness—Ms. Lewinsky—we know from her interview by the Managers two weekends ago: virtually nil.

A third reason to oppose this motion is that witness testimony will invite the introduction of salacious details onto the Floor of the United States Senate—details with which we are already painfully familiar, and details about which any differences between the President and Ms. Lewinsky are immaterial and irrelevant to the charges contained in the Articles presented by the House Republican Managers.

The Managers tell us that they have no interest in raising any such details. But sexual misconduct is at the core of this case. Manager BRYANT admitted as much when he said on the Floor that the issue in Article I is ''perjury about sex''. The same could be said about Article II—the issue is obstruction about sex.

Every question about perjury or obstruction, then, necessarily invites testimony about the sexual details of this scandal. Given the massive size of the record, I do not think we need to risk allowing the Senate to become a forum for that kind of speech. It will not bring dignity to this proceeding or credit to this institution.

If we somehow think that we can summon witnesses to appear in this trial and at the same time guarantee that the Senate will not become a kind of burlesque stage for the airing of this case's tawdry factual essence, let me remind my colleagues of the frenzied circus that formed immediately upon the news that Ms. Lewinsky had arrived in Washington, D.C. for questioning by the Managers. Once the door to witnesses is opened, the Senate will be hard-pressed to keep that atmosphere from spilling into this trial and this body.

The fourth reason why we should not call witnesses is that they will prolong this process needlessly and extensively. Senator WARNER made the point well several days ago: it is questionable whether the list of witnesses, and the time required to hear from them, could be strictly limited because to do so might deny the President his right to defend himself.

The point was echoed by one of the attorneys for the President. He stated that he and his associates would be committing ''malpractice'' if they failed to seek the most aggressive possible discovery process should that course be opened to them.

That discovery process may reasonably be expected to include subpoenas for documents, interviews with corroborating witnesses, depositions, examinations and cross-examinations. As any person familiar with litigation knows, such a process is not easily restricted in time and scope. It could take weeks, or longer, to conclude. During that time, Senators would not necessarily be free from the burdens of serving as triers of fact in the court of impeachment. They could well be called upon to make any number of evidentiary rulings. They could be called upon to comment publicly on matters raised during depositions—including on salacious matters that deserve no comment. In short, this process could drag on and on.

Fifth, and finally, let me say that I remain unconvinced by the argument of the Managers that witnesses are so critical here. They have failed convincingly to explain why witnesses are so indispensable in this trial if they were so dispensable during the impeachment proceedings in the other body.

During those proceedings, Mr. Manager HYDE said that ''the most relevant witnesses have already testified at length about the matters in issue. And in the interest of finishing our expeditious inquiry, we will not require most of them to come before us to repeat their testimony.'' Regarding Monica Lewinsky and Linda Tripp, he added that they ''have already testified under oath. We have their testimony. We don't need to reinvent the wheel.''

Likewise, Mr. Manager GEKAS stated during the House hearings that ''bringing in witnesses to rehash testimony that's already concretely in the record would be a waste of time and serve no purpose at all.''

The fervor with which the Managers call for witnesses now is not only inconsistent with their refusal to call them earlier. It is also inconsistent with their underlying assertion that the facts in evidence already prove the President's criminal culpability. If the Managers have any doubt about whether their evidence was sufficient to prove guilt and justify removal, then they had a responsibility to resolve those doubts in the House of Representatives—before they came to this body and had us take an oath to do impartial justice. They should never have put us through this trial.

In conclusion, and at the risk of stating the obvious, we should remember that we, the members of the Senate, are the triers of fact here. We are the ones who control how this trial is to be conducted. Each side deserves to be treated fairly. But neither side deserves an unlimited and open-ended right to put forth their arguments.

I have never known a lawyer arguing a losing case to say he or she couldn't benefit from one more day in court. The proper response to a lengthy trial and a weak case is not more length and more case—it's an end to the case.

Does anyone seriously believe that the outcome of this proceeding will be changed by allowing a parade of witnesses?

Does anyone seriously believe that they will shed new and meaningful light on the key areas of this dispute?

After our historic, bipartisan agreement to begin this trial, after weeks of the trial itself, after the opportunity to read a massive factual record, after the opportunity to ask over 100 questions—after all this, I do not believe that witnesses are now needed to demonstrate the Senate's commitment to conduct this trial in a fair and thorough manner. The dignity of this proceeding and the decorum of this institution are not likely to be enhanced—and could well be damaged—by taking such a step.

In my view, the Managers' motion to call witnesses is the expression of an increasingly desperate desire to breathe life into a case that—as the vote on the motion to dismiss demonstrated—has failed to convince anywhere close to two-thirds of the Senate as to its merit. They are eager for something, anything, to rescue the sinking ship that their impeachment has become.

Their motion, furthermore, is an expression of the partisan process that they began in the House and now seek to perpetuate in the Senate. Having lost five seats in the November elections, Republican leaders in the other body, including the Managers, knew that their best chance to impeach the President was during the lame duck session of the 105th Congress. So they eschewed a bipartisan inquiry, decided not to call witnesses, and forbade members from considering a censure resolution in that chamber—all so they could force a vote on articles of impeachment before the start of the 106th Congress. Two of the articles considered failed. Two others passed, but only by exceedingly slim margins: the Article alleging obstruction of justice would have failed if just five Representatives had voted differently; the Article alleging perjury would have failed if just eleven Representatives had cast their vote against impeachment.

Having rushed to judgment in the House, the Managers now rush to delay judgment in the Senate. Why? I think the reason is obvious: because they know that their case is weak. From the moment the Articles were drafted in the House, they have attempted to obscure that inescapable fact.

Each side of this dispute has now had ample opportunity to present its case. The time has come to bring this matter to a close, and return to the other compelling issues that we were elected to address. While I regret that the majority party in the Senate has decided to move forward with the calling of witnesses and gathering of additional information, I remain hopeful that we can conclude this trial at the earliest possible opportunity.●

ADOPTION OF RULES OF PROCEDURE OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● Mr. GRAMM. Mr. President, the Committee on Banking, Housing, and Urban Affairs held its organizational meeting for the 106th Congress on Tuesday, January 19, 1999. At that